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STANFORD UNIVERSITY
AUG 1974
GOV'T. DOCUMENT DEPARTMENT

NON - CIRCULATING

THE

PARLIAMENTARY

REGISTER;

OR,

AN IMPARTIAL

REPORT OF THE DEBATES

THAT HAVE OCCURRED

IN THE TWO HOUSES

OF

PARLIAMENT,

IN THE COURSE OF

The Third Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

VOL. III.

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THE

PARLIAMENTARY REGISTER,

DURING THE THIRD SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS.

FRIDAY, MARCH 24.

HURRYING BILLS.

Lord Auckland said, that before their lordships proceeded to the consideration of the order of the day, he wished to submit to them a few observations relating to their proceedings. Such of their lordships as were in the habit of paying particular attention to the business which came before the House, must have remarked the extraordinary quantity of bills that were poured in upon them at the close of every session. This evil was increasing every year. Within the last three weeks of last session, no less than seventy-five bills were sent up from the other House. With a view that some mode might be adopted of putting an end to a practice productive of so much inconvenience and error, he would move that a Committee be appointed to inquire into the number of bills brought up last session.

Lord Grenville coincided in the observations made by his noble friend. This practice tended to preclude their lordships from their share in the legislation of the country. When bills were so huddled upon each other, there was no time for deliberation or discussion. To pass them became an act rather of necessity than parliamentary discretion.

The Earl of Liverpool admitted that the practice was censurable. It was, however, in a great measure unavoidable. The immense number of bills might be attributed to three causes; the increased and growing pros-

perity of the country, the tampering in legislation, and the delay which the public business suffered in consequence of the many discussions (discussions not relating to objects of legislation, though perhaps they might be very necessary) which took place in both Houses. This last reason, however, applied rather to the retarding of the bills than their number.

After a few observations from Lord Moira, the Duke of Norfolk, Lord Auckland, and the Chancellor, the motion was withdrawn.

SPANISH FLEET.

Lord Auckland stated, that previous to the discussion on the conduct of the war in Spain, it was desirable that the House should be put in possession of every information relating to the military operations. He was anxious to ascertain what efforts had been made by ministers to prevent the fleet at Ferrol from falling into the hands of the French. In the immense mass of papers that had been laid on the table, he could only find two documents that had any reference to this important subject. These were two letters, dated the 3d of December, from Lord Castlereagh to Sir John Moore, and not received by the latter until the 16th, when, from the complicated difficulties he had to contend against, it was impossible he could attend to the instructions contained in them. His lordship concluded with moving for copies of any instructions that might have been transmitted to the British commanders in Spain relating to the steps that were to be taken for placing the ships and stores in the harbour and arsenal of Ferrol in security.

Lord Mulgrave said, that there could be no objection to give the noble lord all possible information on the subject. The information which he was about to communicate, might possibly preclude the necessity of making any motion. When it was found that the British army might probably be compelled to fall back on Corunna, and eventually re-embark, it was proposed by Admiral De Courcy to the admiral commanding at Ferrol, that the fleet lying in that harbour should be equipped, and sent to a place of safety. This proposal was rejected, upon the grounds that there was no danger of its falling into the hands of the enemy, as the place was strong enough to resist any means that could be for a

long time employed for reducing it. It would be for their lordships to decide, whether, considering the nature of our relations with the people of Spain, and the principles upon which her assistance was tendered to them, it would have been at all advisable to have had recourse to force on this occasion, or pressed them on a point upon which they might possibly feel some suspicion, and no little jealousy.

The Duke of Norfolk expressed his regret that means had not been employed to prevent the fleet from falling into the hands of the French. He trusted, that through a similar neglect or want of energy, they would not lose the fleet in Cadiz.

Lord Grenville agreed that it would not have been consistent with good faith to have employed force and violence to obtain possession of the fleet of an ally. Would to God his majesty's ministers had always adhered to this maxim! He would recommend to his noble friend to withdraw his motion for the present, for the purpose of bringing it forward on another day, in such a shape as might bring the whole question before the House.

The Earl of Liverpool said, that as Ferrol would form an important point in the consideration of the general question, he should not now make any observations on it. He was glad to hear the noble baron deprecate the having recourse to measures of force and violence to obtain possession of the fleet in Ferrol. When the time for discussing the general question should arrive, he trusted he should be able to prove, to the satisfaction of their lordships, that no measures that could properly have been adopted, were neglected; and that such as had been adopted, were in the true spirit of the principles upon which his majesty came forward to assist the Spanish cause. His lordship, in answer to a question, put by a noble Duke (Norfolk) said, that it was probable on Monday he should lay, by his majesty's command, a copy of the treaty with Spain on the table.

SPAIN AND PORTUGAL.

Baron Clifton (Earl of Darnley) moved for several papers relating to the operations of the British troops in Spain and Portugal. His lordship said, that as the public had now got rid of one important subject, he hoped they would turn their mind to others of nearly as much im-

portance. He dwelt for a considerable time on the misconduct of the campaign in the peninsula, and the calamitous retreat to Corunna.

The Earl of Liverpool professed his inclination not to object to the greater part of the papers moved for. There were two, however, to the production of which, as he stated on a former evening, he could not accede; namely, the letter of the 4th of August from Lord Castlereagh to Sir Hew Dalrymple, and the instructions relating to the formation of the regency in Portugal. The production of these would be attended with the great public inconvenience he had mentioned at that time. His lordship observed, *seriatim*, on the different motions made by Lord Clifton, and explained the modifications under which he was disposed to agree to their production. Among these, we understood, that extracts of the last dispatches from Sir J. Moore are to be produced.

Lord Rosslyn did not mean to prolong the discussion, and rose solely for the purpose of suggesting an additional motion, to which he did not suppose any opposition would be made. The motion was for copies or extracts of all correspondence between his majesty's secretaries of state and his resident minister in Spain, touching any negotiation carried on with the supreme government respecting any military arrangements, so far as the same could be produced without any detriment to the public service. These documents appeared to him so essential to enable the House to form a judgment respecting the campaign in Spain, that without these papers it would be impossible to enter fully into the discussion upon that subject.

The Earl of Liverpool was not prepared to state whether the production of these papers might not be injurious to the public service; but if the noble lord should persist in pressing the motion, then he should feel himself bound to oppose it.

Lord Grenville, adverting to what had fallen from the noble secretary respecting the correspondence between Mr. Frere and Sir John Moore, that some little blame attached to Sir John Moore for not having officially transmitted that correspondence to this country, declared that it was in justice due to the memory of that officer to shew that no blame whatever was imputable to him.

The Earl of Liverpool apologised for interrupting the

noble baron, but begged to be permitted to state that he had never intended to impute any blame to Sir John Moore. All he had stated was, that in the common course of official transactions these papers would have been transmitted to this country in an official form, but that in point of fact they had not been transmitted either by Mr. Frere or Sir John Moore; and that the arduous business which Sir John Moore had to attend to, might have prevented him from making a communication of these documents, which a person of more experience in official transactions would have done. But he had never meant to state that any blame attached to Sir John Moore on that account.

Lord Grenville did not think any apology necessary for an interruption, which had for its object to remove an impression that blame was imputed by the noble secretary to the gallant officer, whose memory the country had so much reason to revere. But certainly the noble earl had made that impression, and still left it, upon his mind, that he thought blame was imputable to Sir John Moore. He contended, however, that no blame whatever would attach to Sir John Moore. It was the duty of the king's minister in Spain to transmit home officially all documents of this description. He begged of noble lords, however, to keep their minds open for the discussion. As to the objection of the noble earl to the production of the letters respecting the formation of the regency in Portugal, that it would be detrimental to the public service, that, undoubtedly, closed his mouth; but, as to the observations that these papers would have no reference to the operations in Spain, he was prepared to contend that the measures taken respecting the Portuguese regency, had a fatal influence upon the campaign in Spain. He should not then say more upon this subject, but he could not avoid entering his protest against the assertion that the question respecting the Portuguese regency had nothing to do with the campaign in Spain.

Viscount Sidmouth not only thought that the danger of detriment to the public service was a good ground for withholding the production of these papers, but felt that there was even a stronger ground which had been stated on a former night by the noble secretary, namely, that it was the wish of the Portuguese ministers here, through whom government received these papers, that they should not be published.

Earl Grey observed, that when a secretary of state declared that the production of certain papers would be a detriment to the public service, that declaration was sufficient to stop him in calling for them. But if it should appear upon the face of the business, that there was not much reason to apprehend any such consequence from their production, he thought he should be justified in asking of the noble secretary to shew what probable grounds there were for supposing that any injury would be sustained by the public service from their production. He was himself at a loss to conceive any detriment that could result to the public service from the production of these papers.

The Earl of Liverpool replied, that the first knowledge which the British government had of the armistice and convention, was derived from the Portuguese minister; and as the motion would go to the production of the whole of this correspondence, both the letter to Sir Hew Dalrymple and its enclosures, he would not agree to it. The noble earl might easily conceive an objection to the production of these documents, relative to a convention, which the British and Portuguese governments both disapproved of.

Earl Grey—As the noble secretary's objection was to the production of the enclosures, he asked whether he would have any objection to the production of so much of Lord Castlereagh's letter to Sir Hew Dalrymple, as related to the impression made upon his majesty's government by the convention!

The Earl of Liverpool replied, that the objection remained in full force, as the letter was merely the vehicle of transmission for the enclosures.

The Earl of Buckinghamshire could not conceive what objection there could be to the production of the letter of Lord Castlereagh to Sir Hew Dalrymple. As the government disapproved of the convention, it was in justice due to Sir Hew Dalrymple, that the grounds of that disapprobation, as communicated to him, should be laid before the House. Notwithstanding this disapproval of the convention, ministers had on the receipt of the intelligence ordered the guns to be fired.

Lord Grenville contended, that the refusal to produce this paper was contrary to all the noble lord's professions. Every man who should know the motion, would

ask himself what possible injury could result to the public service from the production of a document, shewing what impression the convention had made upon his majesty's government.

The Earl of Liverpool stated, that the impression upon his majesty's ministers, when first they heard of the convention, inclined them not to believe it. He also justified the firing the guns, on the ground that even though blame might have attached to the officers concerned, the evacuation of the territory of an ally was a justifiable ground for such a demonstration.

Viscount Sidmouth observed, that they had it from the highest authority, that the convention had disappointed the hopes and expectations of the nation.

The question was then put on the amendment suggested by Earl Grey, to leave out the words "with its enclosures," when the amendment was negatived without a division, as was also the original motion. The other motions to which the Earl of Liverpool had assented were agreed to. Whilst strangers were excluded, Earl Grey fixed his motion, respecting the campaign in Spain, for an early day after the holidays.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 24.

Sir W. Curtis obtained leave to bring in a bill for removing Smithfield market to the present site of Bagnigge Wells.

Mr. Mellish obtained leave to bring in a bill for incorporating a gas-light company in London. These bills were brought in and passed in some of the forms, and rejected.

Mr. H. Thornton presented the fourth report of the finance committee. Ordered to be printed.

The accomptant general from the bank of England presented an account of the number and sum of bank notes of the company issued from February 1, 1808, to the like day in 1809. Ordered to be printed.

An officer from the exchequer presented an account of the funded debt of Great Britain, as it stood on the 1st February 1809. Ordered to lie on the table.

SPANISH PAPERS.

Lord Temple said, that on looking over the papers laid before the House, respecting the British army in Spain, he found the subject involved so wide a field for discussion, and so many documents were still deficient for which it would be necessary to move, in order to give the House fuller information preparatory to the debate on the subject, that he deemed it expedient to postpone the question, of which he had given notice for Tuesday next, until after the Easter holidays.

Mr. Whitbread, on this account, postponed in like manner his notice for Tuesday.

PLACE BROKERS.

The Chancellor of the Exchequer gave notice of a motion on Monday, agreeable to his former promise, for leave to bring in a bill to correct abuses in the disposal of places under the crown by brokers.

GENERAL CLAVERING.

Mr. W. Wynne moved that General Clavering, now in the custody of the serjeant at arms, be committed to his majesty's gaol of Newgate, and that the Speaker do issue his warrant for that purpose. The question was put and agreed to without opposition.

The order of the day was then read for the second reading of the militia completion bill.

Lord A. Hamilton opposed the bill, upon the ground that it was in direct violation of the pledge given to the country by a similar bill of 1807, in which the people were assured that no ballot should again take place before the year 1810. He, as one of the lieutenancy of the county where he resided, had, on proposing the last ballot, repeated this pledge to the people on the faith of the former bill, and he asked with what face could he, or the other gentlemen of the county, who must be called on to carry the ballot under this bill into effect, again address the same people, after such a breach of faith with them? He concluded by moving an amendment, "That the bill be read a second time this day three months."

Mr Giles argued that this bill was not only a direct breach of faith with the country, but it was opposing a system of oppression, injustice, and enormous expence against the ordinary and regular system of recruiting; for he contended

that between the bounty paid to the militia recruit for entering that service in the first instance, out of the public purse, the extra bounty that must be paid by the balloted man to his substitute, and the subsequent bounty that must be paid to the militia soldier for volunteering into the line, the disposable force of the country must be required at the enormous average of 25*l.* per man. It was acknowledged by Mr. Pitt, on his abandoning, to a certain extent, the balloting system for increasing the militia, that it was because he found it nugatory as to the original principle of a militia force; for that not above one balloted man in twenty served in person, but by substitute; and therefore it imposed an enormous burthen on the balloted individual, by sending into the market 19,000 competitors for substitutes, and thus raising the bounties in many places as high as forty-five guineas per man. This again counteracted the recruiting for the line, and imposed a most enormous expence upon the country.

Mr. Bastard said, he could not conceive what was become of all those men who had last year been raised from the militia, and by other means. If they had been lost on the continent, it became necessary to inquire in what manner, after it had been said that our total loss there was not more than 500 men. He thought this mode of seducing men from the militia the most impolitic that could be devised, for the militia officers will never exert themselves to enlist men not to serve in the militia but in the line. If it was the intention of the House to get rid of the militia, it were best to do it manfully at once, and not pass a bill which must overburthen a particular class, viz. the landed interest. He hoped the House would have more justice than to do this.

A division took place:

For the second reading - - - -	45
For the amendment - - - - -	26
Majority - - - - - -	19

Adjourned to Monday.

HOUSE OF LORDS.

MONDAY, MARCH 27.

Lord Liverpool laid on the table a copy of the treaty of amity and alliance with Spain.

CAMPAIGN IN SPAIN.

Earl Grey gave notice, that on the 18th of next month he would make a motion on the subject of the late campaign in Spain and Portugal.

Lord Liverpool said he would be happy to learn from the noble lord the purport and extent of his motion.

Earl Grey said, that he had not yet made up his mind as to the particular shape in which he should put the motion, but it would embrace the whole of the conduct of the campaign in Spain and Portugal, and, of course, the conduct of ministers, as far as it related to the military operations in these countries.

HOUSE OF COMMONS.

MONDAY MARCH 27.

Mr. Davies Giddy presented the Highgate archway bill. Read the first time, and ordered for the second reading.

SWEDEN.

Mr. Whitbread rose to ask the right honourable gentleman whether the news in circulation relative to a revolution in Sweden was true, and also whether any, and how much, of the subsidy granted to Sweden under a treaty lately in negotiation with that government had been actually paid.

Mr. Secretary Canning answered, that with respect to the first part of the honourable gentleman's question, he was not now prepared to give him any accurate information; and with respect to the latter, he could only say that the House was aware that a treaty of subsidy and alliance was, for some time, in negotiation between his majesty and the king of Sweden, in consideration of which, the House had voted a subsidy, to be advanced in certain proportions monthly, to his Swedish majesty; that the treaty had been for some time concluded, and only waited for the definitive signature of his Swedish majesty, which it had since received, and a copy would have been laid before the House this day, but for the intelligence alluded to by the honourable gentleman, which had reached this country. He therefore deferred, for a few days longer, to lay it before the House, when, in all probability, it would come accompanied by some commu-

nication from his majesty. With respect to the subsidiary advances, they had not been carried into effect beyond their natural period.

IMPRISONED PUBLISHERS.

Mr. Whitbread rose, and said he held in his hand a petition, signed H. H. White, a prisoner in the gaol of Dorchester, under the sentence of his majesty's court of King's Bench, in consequence of a conviction of the publication of a libel; and another petition from a person named Hart, confined in the gaol of Gloucester under a similar sentence, and for the same offence. For the veracity of the circumstances alledged in these petitions he did not undertake to vouch; but he considered it his duty, as a member of parliament, to comply with the request of the parties, in presenting to that House the petition of any British subject, when couched in respectful and decorous language, more especially upon a subject so nearly concerning the liberties of every individual. The petition complained not only of informality in the proceedings of the court upon the petitioners' trial, but of extreme hardship and severity sustained in prison since their commitment, and which he should hope it never could have been the intention of the court to inflict. If these allegations were founded, they ought to be inquired into, in order that they might be redressed; and if they were untrue, it was right, nevertheless, that they should be stated, in order to give an opportunity for their disproof, that the public might really know the facts; not only as they concerned the petitioners, but every British subject. He moved that the petition be now received. It was accordingly received and read. It was of considerable length, and signed by H. H. White. It stated that the petitioner was proprietor of a Sunday newspaper, called, *The Independant Whig*, published in Warwick-square, London; and that in consequence of certain letters published in the said newspaper in December 1807, and January 1808, alleged to be libellous, proceedings were commenced against him by his majesty's attorney-general, *ex officio*, in his majesty's court of King's Bench, and that the information filed thereupon did not allege that any part of the said letters so stated to be libellous, was untrue, which circumstance was contrary to the legal usage of the said court; as, for above thirty

years, no information has been filed in that court for any publication alleged to be libellous, wherein such publication was not also stated to be false. That in selecting a special jury for the trial of the said charge, the choice of the pannel was not left to the sheriff, as it ought to have been, conformably to the constitutional administration and usage of the laws of England; but was left to the master of the crown-office, who had thereby a power of acting partially in the selection of jurors, which was accordingly the case: for the jurors nominated and summoned were not called upon for their fines, as is usual in such trials, but their names passed over, upon a mere allegement that they could not attend: that such practice was subversive of the constitutional administration of the laws of England, which, in order to secure impartial juries, require that no sub-sheriff shall act for two years in succession, lest, by knowing intimately the jurors of his bailiwick, he should be thereby enabled to make a partial selection. That the petitioner, when convicted by such jury, was sentenced to a punishment not only equal to, but greater than in the generality of other cases wherein the publication charged has not been proved to be false. That the petitioner was committed to Dorchester gaol, instead of being, as he ought, committed to the custody of the sheriff of the bailiwick wherein he was convicted, the magistrates of the county of Dorset having no power in such case, but under a partial exercise of the law. That submitting these circumstances to the wisdom of that honourable House, he begged further to state, that at the time of his committal, on the 6th of July, 1808, he was in a dangerous state of health, a certificate of which was produced from an eminent physician; notwithstanding which, he continued for the first three months of his imprisonment, confined to a small apartment, without the benefit of free air, except for about half an hour each day in a confined space, crowded with persons imprisoned for smuggling and other offences, and that being affected with a bilious complaint in his head, the circular direction in which he was obliged to walk, in a space so confined, greatly affected him. That he applied to the magistrates to be allowed to walk in the garden of the prison, a liberty which had been granted to Mr. Gilbert Wakefield and Mr. Redhead Yorke when confined there; but that this liberty was positively refused to him, until, through

the interference of a humane magistrate, he was allowed, since the month of October last, to walk in the garden for a quarter of an hour per day accompanied by the gaoler. That he had a wife and two children, with whose company and attendance he was desirous to be indulged during his ill-state of health; but that this consolation was refused him, until after the interference of the humane magistrate before-mentioned, and since that time they were only admitted to him three days in a week, and this at a late hour of the day, which considerably shortened the time of their continuance with him; and finally, that by the expences of removing his wife and children to such a distance from London, and the charges of finding for them a separate residence, he was involved in expences more heavy and severe than the court would have inflicted, had his punishment been awarded in the way of fine. Submitting, therefore, the premises, he prayed such relief as to the wisdom of the House should seem meet.

Mr. Calcraft said, that as a magistrate of Dorset, and knowing something of this business, he felt it his duty to state what he knew to the House. In consequence of some representations made to him by a worthy member of that House, he was induced to visit Mr. White, who stated to him that in his ill state of health he wished to be indulged by the admission of his wife; and upon his (Mr. Calcraft's) inquiring of the gaoler, he was informed ever since Mr. White came there, his wife and son were admitted several hours in the day, and during his illness, constantly by day and by night, and since that regularly for eight hours a day, six days in the week. He then complained of the confined space in which he was allowed to take the air for an hour each day, and expressed a wish to have the same indulgence of walking in the garden as Mr. Gilbert Wakefield and Mr. Redhead Yorke; but, upon application to the magistrates for this purpose, their answer was, that he could not be allowed this indulgence, because Mr. Gilbert Wakefield had made a very bad use of it; for the garden communicated with several parts of the gaol, and he employed this indulgence in exciting disturbances among the prisoners. They however agreed that Mr. White should take the air in the garden for an hour per day, accompanied by the gaoler or some trusty person, either all at once, or in such divisions as he chose. This he communicated to Mr. White, who expressed him-

self perfectly satisfied and thankful, and promised that if he should have any future cause of complaint, he would communicate it to him (Mr. Calcraft); and as to his allegement of close, confined, and unwholesome apartments, he could only say, that although the gaol was not provided with apartments on purpose for persons of his description, yet as there was no female debtors now in the prison, he was accommodated with the apartments allotted for them; and that the room in which he was lodged, was as airy and comfortable as any he himself had ever occupied in any of his majesty's barracks where he had been quartered. He therefore lamented that Mr. White should have suffered himself to be prevailed on to present such a petition.

The Speaker, on looking at the petition, felt it necessary to apprize the House, that there appeared on the face of it several erasures and interlineations, and therefore, in point of form, it could not be considered as the petition of the person who signed it.

Mr. Whitbread said he was not conscious of any informality in these circumstances; the erasures and alterations were made by the son of the petitioner, who had delivered the paper to him. He would, however, with the leave of the House, withdraw the petition, on the ground of its informality.—Leave given.

CAPTAIN SANDON.

Mr. John Fane presented a petition from Captain Huxley Sandon, now a prisoner in Newgate by order of the House. This petition was read, and respectfully submitted to the consideration of the House the long service of the petitioner; in the last and present war, on the Spanish main, in the West Indies, on the Continent, under his Royal Highness the Duke of York, and lately in the Spanish campaign, including a period of thirty-two years, in which he had acquitted himself with honour and fidelity; was wounded, and had lost an eye in the service; and never had incurred the slightest imputation upon his honour or conduct, until he had lately the misfortune to fall under the displeasure of that honourable House. That the circumstances which subjected him to that displeasure, was not the effect of deliberate intention, but arose from a deranged state of mind, resulting in the first instance from a concussion of his brain, received some years since by a

fall down a precipice, in which his horse was killed, and the excessive fatigues of body and mind he had undergone in three whole nights attendance on that House, which bewildered his understanding, and betrayed him into the unfortunate misconduct which brought on him the displeasure of that House, and for which he was extremely sorry, and implored forgiveness. That deeply sensible of his error, he would not sooner presume to obtrude himself to the notice of the House; but that now, after an imprisonment of five weeks, and being in a dangerous state of health, as by certificate of his physician would appear, he humbly submitted his case, and implored forgiveness and liberation.

Doctor Lyod's certificate of the petitioner's ill health was then read.

Ordered, that Captain Huxley Sandon be brought to the bar of this House to-morrow, in order to his being discharged.

EXPORTS TO AMERICA.

Mr. Rose stated, from an account which had been presented to the House of the general return of the exports and imports for the year ending the 5th of January, 1809, that notwithstanding the embargoes and other measures of the American government, that the exports of British manufactures for the last year exceeded that of the preceding year by nearly a million and a half, and that it had been very nearly equal to the best years which the country had ever known.

Mr. Whitbread said, that when the right honourable gentleman was mentioning "notwithstanding the embargo and acts of the American government," he should have added, and notwithstanding the orders in council and acts of the government with which he himself was connected.

Mr. Baring was astonished, that the right honourable gentleman could talk about the prosperity of our manufactures, at a time that the distresses of the manufacturers were so notorious and unprecedented.

Mr. Rose thought it astonishing, that it should be represented as an insult to any body, to state the truth from an official paper on the table of that House.

The Chancellor of the Exchequer was surprized, that whenever any statement was made, which was flattering to the country, there were many gentlemen who appeared

immediately to take the alarm. He could not account for this on any other principle, than that gentlemen who had indulged a prophetic spirit, and found themselves disappointed in the fulfilment of their prophecies, might be on that account supposed to feel no small mortification.

Lord H. Petty observed, that it was not the mere statement of the right honourable gentleman, but the triumph which he expressed over the arguments of those, who always thought differently upon the subject which drew forth these observations.

LOCAL MILITIA.

Lord Castlereagh rose, in consequence of a notice on a former day, to move for leave to bring in a bill to amend the act which passed in the last session, with respect to the local militia. In the few observations he should have to offer, he had great pleasure in taking notice of two very material points, namely, the favourable reception which the measure had met with all over the country, and the great exertion of the country gentlemen (without any distinction of politics or party) to carry it into effect. There were now 250 regiments of local militia, consisting, on an average, of 800 men each battalion. The total number of local militia in England and Scotland was 195,161, of which 125,000 had transferred their services from the volunteers. The principal alterations he proposed were, that the bounty should be reduced from two guineas a man to one guinea, and that it should not be levied by local assessment. The other alterations were, that the men should be marched out of the counties into an adjoining county, for the convenience of training, and that officers' commissions should not be charged with stamp duties. He also took occasion to mention, that it was in the intention of government to equalize the allowances to the yeoman cavalry. At the present the horse allowance was five guineas, and the August allowance but two. It was intended to make them both five guineas. He concluded by moving for leave to bring in his bill.

SALE OF OFFICES.

The Chancellor of the Exchequer moved for leave to bring in the bill, of which he had before given notice, to prevent the sale of offices, and brokerage thereon.

Lord Folkestone considered that it would have been better for the right honourable gentleman to have waited till the House had more information on the subject. The motion, of which he had given notice, would probably lead to that information.

The Chancellor of the Exchequer replied, he considered that the measure must be useful, whatever the extent of these abuses were. The case of Mrs. Clarke would not be reached by the bill, though he wished the bill to reach that description of cases in future. He thought, therefore, no time ought to be lost in bringing in the bill.

Mr. Parnell said, if the honourable gentleman made that criminal by this bill which now was not so, it would in a great measure put an end to the inquiry which the noble lord intended to bring forward, as no person would answer questions that might render themselves liable to the penalties of the bill.

The Attorney General said that objection had no weight, as the bill was to have no retrospect, and, therefore, every one's evidence would stand on the same footing as on the late Inquiry.

Leave was given to bring in the bill.

This bill was lost in the Committee by a majority of 14 to 8, it was afterwards recommitted, but on a motion for its being engrossed, it was rejected by the House.

HOUSE OF COMMONS.

TUESDAY, MARCH 28.

A person from the Admiralty presented an account of the fees paid for licences granted to private ships to carry guns, and for three months protections to boats and barges, for five years past. Ordered to lie on the table.

CAPTAIN SANDON.

Mr. John Fane moved the order of the day for bringing Captain Sandon to the bar of the House, in order to his being discharged.

He was accordingly brought to the bar, when the Speaker addressed him to the following purport:—

"Captain Huxley Sandon, This House having entered upon a solemn Inquiry, of the utmost importance to the administration of the army, and the deepest concern to the personal honour of the illustrious Commander-in-chief,

you were called on to give evidence before a Committee of this honourable House, touching the matter in issue; and in the course of your examination, this House has adjudged you guilty of gross prevarication. This offence, at all times destructive of the just authority and privileges of this honourable House, and subversive of the common sanctions of civil society, has been by you considerably aggravated from the military character and profession you filled, a character of which truth and honour should ever be the inseparable distinctions; that character has been by you degraded, you have fallen from its high dignity, and you have closed a long course of corrupt practices by your incurring for your crime the censure and punishment which this House in its justice has inflicted. Nevertheless, this House, in consequence of the shame and sorrow which you have expressed, and taking compassion on the broken state of health under which it is alleged you are now suffering, has ordered you to be discharged; and you now are discharged accordingly, paying your fees."

Mr. Whitbread moved, that the reprimand of Captain Huxley Sandon be entered upon the journals. Ordered accordingly.

The House resolved into a Committee to consider the expediency of further extending the inland navigation of Ireland.

Sir Arthur Wellesley urged forcibly on the consideration of the Committee the expediency of extending those navigations, not merely for the local advantage of Ireland, where, however, they would be highly beneficial, but for facilitating the supply of this country with the agricultural produce of that, by opening a more ready and advantageous communication between the interior and the sea coasts. Such, however, was the state of capital amongst the great bulk of the community there, that it was not to be expected a purpose, even so desirable, could be carried into any considerable effect by the funds of individuals. Great abuses, he would allow, had hereretofore obtained in the expenditure of public money for such undertakings in Ireland; but there was no national purpose for which public money could be expended with so much positive advantage, if under proper management and controul. A sum of 500,000*l.* had been voted in the last session of the Irish parliament for this purpose, and a board of five commissioners appointed to superintend

the plans proposed, and the disbursements of sums issued for inland navigation. This board had been indefatigable in their exertions. He therefore intended to propose a bill for the further advancement of the inland navigation in Ireland; the object of which would be, to continue the rewards of the inland navigation board, chargeable upon the consolidated fund. He moved that the chairman be instructed to ask for leave to bring in the bill.

Sir John Newport fully coincided in the utility of promoting inland navigation in Ireland; but denied the necessity of carrying the system on, under paid commissioners there, any more than in England, or in Scotland, where gentlemen were found with patriotism and public spirit enough to give their aid in superintending such works, without fee or reward. It was casting an injurious and degrading reflection on the gentlemen of Ireland to suppose that equal patriotism and public spirit were not to be found in that country, and in a business so pregnant with local advantages. As to the 500,000*l.* voted by the Irish parliament at the Union, the Committee would be astonished when he told them the progress made in the last eight years in a business of so much national importance. It appeared by the last returns, that the whole sum drawn since the union was 27,300*l.* The charge for superintending the expenditure for which was 6,100*l.* which it cost the public for expending 21,200*l.* To do this there were five commissioners, with a secretary, an accountant, a clerk of the minutes, an engineer, two deputy engineers, and a law agent! They seemed really more anxious to prolong the time of expenditure of the 500,000*l.* in order to protract their own salaries, than to aid the purposes of inland navigation; and this was the purpose of the right honourable baronet's bill rather than any real purpose of extending inland navigation. He was convinced that the formation of this board (as well as of many others in Ireland, equally expensive, inefficient, and unnecessary) was one of the measures to procure supporters for the great measure of the Union. But he would appeal to the noble lord opposite to him, who was the father of that measure, whether it was necessary to continue such boards so long after the measure was carried; and to English and Scotch members, against the unnecessary continuation of such an expence, whereof their countries were to pay fifteen-seventeenths. It was

at least worth the experiment, to try whether there could not be found in Ireland gentlemen of public spirit enough to superintend this business. The very offer of pay would disincline any man of character or independence from interfering, lest he should be degraded. He considered the continuation of the system to be an unequivocal job, and should therefore oppose it.

A long discussion then took place between Sir Arthur Wellesley, Sir John Newport, Mr. Foster, Mr. Parnell, Mr. Windham, and the Chancellor of the Exchequer, and at length the Committee divided;

For the bill 41—Against it 12—Majority 29.

SPANISH PAPERS.

Lord Temple said, that he had withdrawn, till after the holidays, a motion of which he had given notice, for copies of letters written to Lord Castlereagh by Mr. Frere, General Stewart, Sir David Baird, and Sir John Moore. At the time he postponed his motion, it was on the idea that it would be opposed; but, as the papers had been since laid upon the table of the House of Lords, he supposed there could be no objection to lay them also before this House. He should, therefore, now move accordingly.

The motion was agreed to without opposition.

Lord Temple gave notice that he should, very shortly after the holidays, call the attention of the House to the conduct of the war in Spain; and also as to that diplomatic instrument which had lately appeared as the treaty between Spain and this country.

CUSTOMS CONSOLIDATION BILL.

The House having resolved itself into a Committee,

The Chancellor of the Exchequer proposed to the Committee to extend the principle of consolidating the duties, and removing all fractional parts in the collection of them, by raising the duties, in such case, to the next integral number. He wished that this system, from which much benefit had been derived, by its introduction into the collection of the taxes, which formed the consolidated fund, should be also extended to the war taxes, which were now about a third part of the amount. Among a number of regulations which he mentioned, he proposed to place Spanish and Portuguese tobacco on an equality, in point

of duties, with tobacco coming from any other place. He also proposed raising the duty on Turkey carpets according to their size, on which their actual value principally depended. He also should propose a greater equality on the duties of brimstone, whether it came in the rough state, in rolls, or in flour. He calculated that by the different regulations which he would propose, the revenue would gain about 220,000*l.* a-year, 120,000*l.* of which would be from the alteration of the system in the collection of the war taxes.

He then proposed some resolutions to that effect in the Committee, which were agreed to. Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 29.

Mr. Madocks gave notice, that, immediately after the recess, he should bring forward some resolutions on the subject of parliamentary reform.

MR. HENRY WHITE.

Mr. Calcraft rose to correct a statement in his speech of a former night, upon the petition of Mr. Henry White, a prisoner in Dorchester gaol, under the sentence of his majesty's court of King's Bench, for a libel. The honourable member said, that he had stated by mistake on the former night, that Mr. White was allowed the privilege of walking one hour per day in the garden of the prison; but he since found, that the privileged time was limited to half an hour per day.

IRISH REVENUE COLLECTORS.

Sir John Newport rose to call the attention of the House to the subject of the balances improperly suffered to remain in the hands of the collectors of revenue in Ireland, notwithstanding the repeated remonstrances which had been made on that subject, and the repeated promises given that a species of negligence so pregnant with hazard to the public should be effectually checked. But instead of any effectual measure having been adopted to check this system, he found it rather in progressive increase, as would appear from the successive statements of those

balances for the last five years; for instance, the balances in the hands of the collectors, at the commencement of the following years, stood thus:

1805	£229,500
1806	259,000
1807	264,000
1808, about	200 more.
1809	295,643

Of course in five years there was an augmentation of the balances, so suffered to remain, of 72,000*l.*; and if the system went on increasing for a few years more, it must absorb the whole revenue of the kingdom. Was it, he would ask, right that the public money should be thus suffered to sink into the pockets of individuals, and thus be lost to the public. If he adverted to the state of balances in the hands of collectors in England, he found it far otherwise; for it appeared by the last accounts to which he had an opportunity of recurring, that the whole balance in the hands of the land assessed tax collectors was but 150,000*l.* He concluded with moving an address to his majesty in conformity with the sentiments he had expressed.

Mr. Foster said he had a measure in contemplation, which would answer the right honourable baronet's object, who he hoped upon this assurance would be disposed for the present to withdraw his motion.

Sir John Newport accordingly withdrew his motion.

Mr. Huskisson moved for a new writ for the election of a member for Newport, in the Isle of Wight, in the room of Sir Arthur Wellesley, who had accepted the Chiltern Hundreds.

Sir Samuel Romilly moved the order of the day for the second reading of the bankruptcy laws amendment bill.

Mr. Jacob, though he agreed in the necessity of some bill on the subject, thought the present defective in many points, upon which he should beg leave to suggest some hints for the adoption of the right honourable and learned gentleman. Of these principal ones were, the omission to provide for the expences of commissioners and assignees obliged to attend inquiries touching the bankrupt's effects in parts of the kingdom remote from the metropolis; and that part of the bill, which permits the commissioners to charge 20 per cent. upon all monies of the bankrupt's estate, remaining in the hands of the assignees, after notice

to pay the sum into the hands of a banker for the creditors' account. He agreed in the justice of the principle; but to empower the commissioners arbitrarily to exact such a penalty without the interference of a jury, was what he should not have expected from the honourable and learned gentleman. But, after all, he thought the bill should be entitled a bill for increasing the number of bankrupts. Of all classes of insolvent debtors, he considered bankrupts the least honest. It appeared they were only as one in five to the whole number of insolvents. Out of the last 16,000, it appeared there were only 6,597 uncertified, and of this number there were only thirteen remaining under execution in the King's Bench, and not more than a like number in all the other prisons of the kingdom. He would ask, then, was it worth the while of the House to legislate by a bill of this sort, for the sake of merely taking twenty-six such men out of the discretion of their creditors.

Sir S. Romilly said, that as no honourable member had at all entered into an opposition of the bill, it would not be necessary for him to trespass further on the House, than just to make one or two observations on what had fallen from the honourable gentleman respecting particular parts of it. He thanked the honourable gentleman very sincerely for the several hints he had thrown out, and should be very much obliged to every honourable member who would lend him his assistance in making the bill as much an amendment of the present bankrupt laws, as time and circumstances would allow. He had received, he might almost say, numberless communications on the subject from persons out of doors, for many of which he felt himself highly indebted to those who sent them, but they were so many, that the whole of his time which was not taken up by his professional duties, would not be sufficient to acknowledge the receipt of them. He was, however, much obliged by every hint on the subject, and would endeavour to make such use of the communications made to him, as would, in his opinion, most benefit the public by the amendments he should make to the bill in its original frame. When he brought it into the House, he was not so much of a knight errant as to suppose it would be in his power to remedy all the defects in the bankrupt laws; but such as appeared to him to be most glaring and most mischievous, he flattered himself he

might be able to reach. He was rather surprised the hon. gentleman should think the bill would in the least trench upon the trial by jury, for in the cases alluded to by him, as to penalties on the assignees, there would be nothing for a jury to try; and to summon a jury for the purpose, would only be enhancing expences to a very great degree, which could not possibly benefit any one but those of the profession to which he had the honour to belong. The Committee would, however, be the time for all those amendments to be brought forward, and he assured the honourable gentleman that he would then be much obliged to him for his assistance, in rendering the bill as perfect as the nature of circumstances would admit.

The bill was then read a second time.

The Chancellor of the Exchequer then gave notice that he would move that the House do at its rising adjourn to Tuesday se'nnight.

After the return of the Speaker from the House of Lords, where the royal assent, by commission, had been given to several bills, the House adjourned to Tuesday the 11th of April.

HOUSE OF COMMONS.

TUESDAY, APRIL 11.

PRINTING OF PAPERS.

The Chancellor of the Exchequer said, that previous to the recess he had given notice that he would, on an early day, move for the revision of a motion made by an honourable admiral (Sir C. Pole) for the printing the report of the commissioners of naval revision, and a notice on that subject stood for this day. He had, however, conversed with the honourable baronet on the subject since he came into the House, and understanding from him that he would be content with the report itself, without the appendix, which is very voluminous, he should have no objection to the honourable admiral's motion to that extent. He could not, however, avoid mentioning the vast expence which the public was put to in the article of printing the papers of that House. Certainly, every member had a right to any paper laid on the table of that House, and where the whole, or part was actually necessary for the due investigation of any matter to be brought

before the House, it was right such papers, or parts of them, should be printed for the general use and advantage of every member's being in possession of the subject: he hoped, however, that gentlemen would duly consider how far any paper was really essential before they moved for the printing of them.

Sir C. Pole said, that he was never more surprized than when he saw the statement of the right honourable gentleman who had just sat down, that the printing the report he had moved for, would cost from 15 to 20,000*l.* He had no idea of incurring even the twentieth part of that expence. But as that was a report of gentlemen who had been chosen to revise the acts of others, who had been previously appointed to inquire into the transactions of a most important department, he thought the printing the report would be highly necessary; but as he found the appendix was so very voluminous, he was willing that the order made on the motion, which he had brought forward on a former night, should be discharged, and a fresh order made, comprehending only the report; which was accordingly done, and a new order made, that the report be printed without the appendix.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 12.

BREACH OF PRIVILEGE.

A division having taken place on a private bill, the gallery was cleared, during which time, as we understood,

Sir C. Hamilton complained of a breach of privilege in the arrest of a member coming to the House. All we could collect on the subject was, from what fell from the Speaker as we entered the gallery, who then observed, that the honourable member was right in bringing it forward, that the sheriffs were responsible for the acts of their officers, and that when the matter was regularly brought before the House, the offender would, no doubt, be made a proper example of.

Lord Folkestone rose, in pursuance of the notice he gave yesterday, to move for copies of certain proceedings in-

stituted in the Court of King's Bench by the Attorney General against John Ogle, Esq. in 1800 or 1801. He stated, that from the information he had received, he had understood that Colonel Ogle, in the year 1800 or 1801, had received a letter for raising a levy of men in Ireland; that he proceeded to carry the same into effect, in the course of which it appeared, that in many accounts presented at the War-office, Colonel Ogle had been found guilty of mal-practices, which rendered him liable to the charge of forgery and perjury. That in one of those years the Attorney General had filed an information in the Court of King's Bench against Colonel Ogle, to which he had entered a plea of not guilty, which plea was, however, withdrawn afterwards, and judgment by default went against him, so that he had stood convicted of those crimes since 1801, and had never been brought up for judgment, nor had any further proceedings been heard on the subject. He therefore moved, for a copy of the information filed by the Attorney General in the Court of King's Bench against John Ogle, Esq. in 1800 or 1801, and all legal proceedings had thereon.

Mr. Yorke said that the affair of Colonel Ogle's levy took place while he was at the head of the War-office, and as far as he had a recollection of the circumstance at present, the accounts were forwarded to General Gwynne, who was the inspecting general. Why the law proceeding was stopped, he did not know; but in the War-office he recollected that Col. Ogle had been called on to enter into a bond of 10,000*l.* to pay such sums as should appear against him in the final passing of his accounts. He had no objection to the papers being produced.

Sir John Newport pursuant to notice, moved, that there be laid before the House a copy of the order or warrant appointing Beauchamp Hill, Esq. inspector general of excise in Ireland. The ground upon which he brought forward the motion was, that this gentleman had admitted in his examination before the commissioners of inquiry, that whilst he was an inspector of excise, he used to receive 20 guineas monthly from each distiller in his district. Such conduct rendered him unfit to hold any employment, and yet that gentleman had been since promoted to the office of inspector general of excise in Ireland.

Mr. Foster and Mr. Croker did not mean to oppose

the motion, but could not forbear to give testimony to the merit and activity of Mr. Hill as an excise officer; at the same time, however, admitting that, in consequence of the smallness of the former salaries, not only he, but almost all the other officers of the excise in Ireland had been in the habit of receiving fees contrary to law. That practice was now at an end, and it was only in consequence of his exemplary activity that Mr. Hill had been promoted.

After a few words from Sir John Newport, the motion was agreed to.

Sir John Newport then stated, that he had to move for one or two papers relative to the linen board in Ireland, in order to complete the series of papers already before the House. When these papers should be produced, it was his intention to bring the whole subject before the House, and to exhibit this board and its constitution in their proper colours. The honourable baronet concluded with moving, that there be laid before the House, copies of all returns made by the architect to the trustees of the linen board, with the date of their report thereon, together with an account of the money due to the artificers, and of other claims outstanding; also a copy of the statement made in February or March last, relative to repairs, and an account of all outstanding demands upon the funds of the linen board.

Mr. Foster did not mean to oppose the motion, but rose merely to vindicate the character of the trustees of the linen board, which was composed of seventy-two of the most respectable of the nobility and gentry in the kingdom, if the terms used by the honourable baronet, that he would exhibit them in their proper colours, were meant to convey any insinuation of disrespect to that board.

Mr. Ponsonby observed, that he had the honour to be one of the trustees of that board, and had not taken any offence at the expressions used by his right honourable friend. The object of his right honourable friend, who had communicated some of his views to him, was to expose the defects of the board as it was at present constituted, and when the matter should be before the House, it would appear that the views of his right honourable friend were directed to the welfare of the country.

The motions were then agreed to.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 13.

INDIA PATRONAGE.

Lord A Hamilton gave notice, that he would to-morrow se'nnight make a motion on the subject of the discoveries which had lately been made respecting the patronage to India, and he thought it proper to intimate explicitly, that it would chiefly relate to the conduct of Lord Castlereagh.

Mr. H. Martin moved for an account of all balances in the hands of the register of the high court of admiralty, the high court of appeals, and the high court of delegates, the property of suitors in those courts, on the 5th January in every year, from the 5th of January 1793, to the 5th January 1809, distinguishing each year. —Ordered.

CHELSEA HOSPITAL.

Sir Francis Burdett stated, that he had been informed, there was a considerable tract of ground adjoining to Chelsea Hopital, which had been purchased by the public for the benefit of the same, and that lately a part of this ground had been enclosed with a high wall, and granted for the purpose of building a house for Colonel Gordon. This curtailment of the ground must of course operate to the injury of the invalids, by circumscribing their exercise, walking, &c. which, as it was purchased by the public for that very benefit, he thought highly improper. According to the answer he should receive from the noble lord (Castlereagh) he should know how to proceed further.

Lord Castlereagh then said, that as the answer seemed to be particularly expected from him, he could assure the honourable baronet, that this was the first moment he had heard a syllable of it. However, as his honourable friend had risen at the same time, it might perhaps be for the purpose of giving some information on the subject.

Mr. Huskisson said, that the ground alluded to by the honourable baronet had certainly been purchased by the public for the benefit of the hospital, and it had lately been found necessary to take in part of it for an infirmary to the hospital, which was very much wanted; that after

that had been completed, the surveyor-general was ordered to make a survey, and report how the remainder might be made use of to the best advantage; and he had reported that it would be most advantageous to build on it, on which a part had been granted for building a house for Colonel Gordon.

Sir F. Burdett said, that from the admission of the honourable secretary, it appeared to him to be a most atrocious abuse of the public property, and he was proceeding to make a motion, that a plan of the premises, house, &c. be laid before the House.

The Chancellor of the Exchequer, and others on the same side, thought, however, that as it might occasion some discussion, a notice, according to the usage of the House, ought to be given.

Sir Francis Burdett then said, he would bring it in to-morrow.

BREACH OF PRIVILEGE.

Sir C. Hamilton complained that a sheriff's officer had yesterday seized his person, in his own house, and treated him with great rudeness, which he deemed to be a breach of the privileges of the House. He moved, therefore, that Daniel Butler, the officer alluded to, do attend at the bar of the House to-morrow, to answer for the said breach of privilege.—Ordered.

LOCAL MILITIA BILL.

The order of the day for the further consideration of the report of the local militia bill having been read, the bill was recommitted on the motion of Lord Castlereagh, for the purpose of introducing several amendments, which he felt it necessary to propose in various provisions of the bill.

In reply to a suggestion made by Sir Thomas Turton, relative to a particular amendment, Lord Castlereagh stated, that it was his intention in this stage of the measure to propose the several amendments which occurred to him as necessary, after which he would move to have the bill re-printed, and should then be happy to hear and attend to any suggestion or amendment, which the honourable baronet, or any other honourable member, might have to propose.

Much desultory conversation then took place upon each

clause and amendment, as the Committee proceeded through the bill. The period for completing the local militia was extended to January next, and the bounty to volunteers raised from one to two guineas. The rank of the officers of the local militia was fixed next after the rank of officers of the original militia, and rank for rank above that of officers of yeomanry cavalry, whose rank was to follow that of officers of local militia, as the rank of the latter came next after that of the original militia. This arrangement was objected to, as insulting to yeomanry officers, by Sir Thomas Turton; but his objection was over-ruled, as was also a suggestion of Mr. Dundas, that the yeomanry and local militia officers should take rank from the date of their commissions, whereby volunteer officers who should transfer their services to the local militia, would take rank from the date of their commission as volunteer officers.

On the clause to authorise lord lieutenants, upon representation to government in certain cases, to order regiments of local militia from the county for which they may have been raised, into an adjacent one to be trained, Lord Castlereagh felt it necessary to explain the ground upon which this clause rested, in order to remove a misapprehension which had taken place respecting it. The sole object of the clause was to consult the convenience of the men. In many counties there were no great towns large enough to afford quarters for the local militia of the counties, in which cases it was thought desirable that there should be a power to march the regiments to be trained into an adjacent county. There were other cases in which the regiments would have to march 25 or 31 miles within their own counties, to a town capable of affording them proper quarter, whilst by being sent into the adjoining counties, they would have but a march of five or six miles to convenient accommodation during their period of training. It was solely, therefore, to remedy the unavoidable inconvenience that would result in such cases from training the regiments of local militia in their proper counties, and to promote the accommodation of the men themselves that this clause had been introduced.

After a few words from Mr. Giles and Sir T. Turton, this explanation was considered satisfactory and the clause agreed to.

Lord Castlereagh then brought up a number of clauses, which were agreed to without opposition.

Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 14.

TREATY WITH SPAIN.

Lord Auckland was anxious to obtain some further information from ministers relating to the treaty with Spain, and the late unfortunate expedition to that country. There was one article in the treaty which struck him as being very extraordinary. In that we stipulated to acknowledge no king of Spain but Ferdinand, or such lawful successor as should be approved by the Spanish nation. Now it might possibly happen that Joseph Buonaparte may be approved by the Spanish nation. The impropriety of thus prematurely pledging ourselves must be obvious to their lordships. He had also wished for explanations of some of the papers relating to the expedition to Spain. In one of the two letters of Mr. Frere to Sir J. Moore, allusion is made to a verbal message that would be delivered to the latter. It would be desirable, previous to the discussion on the subject of the conduct of the campaign, that their lordships should be put in possession of the substance of that verbal communication. The information, too, respecting the measures taken to prevent the fleet in Ferrol from falling into the hands of the enemy, was very defective. It consisted only of two documents: an injunction from the Admiralty to the naval officer commanding on the south-west coast of Spain "to take care of the Spanish fleet," and the answer of Admiral de Courcy, "the fleet is gone, and inclosed is a list of ships." The returns of casualties too, though far exceeding what it was asserted they would be found to amount to, were, he suspected, very defective. They amounted to the enormous loss of nearly 7200; but in this no allowance he imagined was made for the immense number of persons, not strictly soldiers, who are always attached to an army. There was a defect also in the returns of the cavalry. The number employed in Spain, exclusive of the waggon train, amounted to upwards of 4000, out of which he understood not above 370 horses were brought home. It was

also desirable that returns should be made of the number of men who died in the hospitals since their return, in consequence of the hardships and sufferings they underwent in the retreat. These, he was sorry to hear, were very considerable. His lordship concluded with expressing his hopes that he should obtain such information from ministers as would preclude the necessity of his making any motion on the losses to which he had adverted.

Lord Liverpool observed, that many of the points mentioned by the noble lord, were more properly subjects of argument than explanation. There were, however, two points on which he was disposed to give every information in his power. The first regarded the verbal message sent by Mr. Frere to Sir John Moore. Of the substance of this he had no knowledge whatever. The letters, in one of which there was an allusion to it, did not come before government in an official shape. With respect to the returns of the casualties, they were as comprehensive as they possibly could be. They included the losses in the battles of Roleia and Vimiera, the campaign in Spain, and in short of all the losses, from the time of the sailing of the different expeditions to their return.

Earl Grey could not agree with the noble lord that the questions put by his noble friend were rather subjects for argument than explanation. If ministers were not possessed of the substance of the extraordinary message from Mr. Frere to Sir John Moore, they certainly could not be expected to lay it before the House. The returns of the casualties were improperly made out; that is, it was impossible to ascertain from them the precise amount of our loss in Spain, the very point he wished to get at. His lordship supported the observations of Lord Auckland, respecting the impolicy and absurdity of that article of the treaty with Spain relating to the recognition of no king but Ferdinand, or his lawful successor. The House had no information that the abdication of king Charles was voluntary, or that that abdication had been in any way communicated to the government.

Lord Auckland, in a few words across the table, pointed out to the noble secretary what he presumed to be an error in the date of one of the articles of the treaty.

SIR JOHN CRADDOCK.

The Earl of Buckinghamshire wished, before the House

rose, to trouble their lordships with a few words on a subject on which he felt deeply. He had long known Sir A. Wellesley, and there was no man of whose talents he thought more highly. That officer had vacated the office of chief secretary in Ireland, for the purpose of assuming the command of the army in Portugal. He would admit that no one was more eminently qualified for that arduous task; but it was much to be lamented that it should be done to the prejudice of another officer. When Sir J. Craddock was sent out to take the command in Portugal, it was upon an understanding that he should be continued in that situation, unless Sir John Moore, who was then in Spain, should be under the necessity of returning to Portugal. In that command he continued until he saw a great army increasing around him, and he thought it a most severe blow indeed that he should be suspended in the command of it just at the moment that it was likely to be actively engaged; for if the news that he understood was received this day, was true, the French were already in possession of Oporto, and a considerable force advancing in another direction on Lisbon. The noble earl enumerated the various and distinguished services of Sir John Craddock, at Martinique, where he commanded one of the flank battalions under Sir C. Grey, in Egypt, and other places.

Lord Liverpool protested against ministers being called to account in this way, for any military appointments which they might advise his Majesty to make. The command of the army was part of the king's prerogative, to be exercised under the advice of his ministers, and these ministers were responsible for the conduct of such officers as they might recommend for particular commands. He deprecated the making of such appointments the subject of a canvass in parliament. He did not think the country was likely to be the better served, if they were made in compliance with such recommendations. He was happy to bear testimony to the excellent conduct of Sir John Craddock, not only in Portugal, but in every part of the world in which he had been employed.

Lord Buckinghamshire expressed his gratitude to the noble earl for the honourable testimony he had borne to the military character of his friend. He did not wish to force the noble earl to a disclosure of the motives of ministers for superseding Sir J. Craddock in the command in

Portugal, and he fully agreed with him that his majesty was competent to appoint such officers as he pleased to the command of the army.

After some explanation between Lords Liverpool and Auckland, their lordships adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 14.

A message from the Lords informed the House that their lordships had agreed to the Irish flax seed bill, without any amendments.

Sir C. Hamilton rose and stated to the House that a few days ago, being in his own house, a servant in livery came there with a note, which was brought into the room, to him by his own servant, on opening which he found it was from a person he did not know, and while he was telling his servant it was a mistake, and the note was not to him, Daniel Butler, the person complained of, and another man, rushed violently into the room, and Butler said he had a writ against him, which he gave him to read; that on reading it, he found it was for Sir John Charles Hamilton, on which he told the officer that he had made a mistake; that his name was not John Charles, but merely Charles Hamilton; that he was not the person, and, besides all that, that he was a member of parliament. The officer, however, persisted that his name was John Charles Hamilton, insisted he should go with him, and behaved with great rudeness. Finding all remonstrance vain, he agreed to go with him; but previous to doing so, he said to the officer, in the presence of all his servants. Then you persist in my attending you, notwithstanding all I have told you? Butler answered—Yes. And if I don't go quietly I suppose you will force me? Butler replied—Yes, certainly. On which Sir Charles went with him to his attorney, and there the man being convinced of his error, let him go. Sir Charles said, he was informed by the attorney that he had no remedy against him by a legal prosecution, so that if he had not been a member of parliament, he must have put up with the insult. This circumstance happened in the afternoon; but neither in the course of that day or the next did the officer send to make any apology. He thought it therefore his duty to state the transaction to the House, as it

so materially concerned their privileges. He concluded by moving, "That Daniel Butler be called to the bar."

On Butler's appearing at the bar,

The Speaker told him that Sir Charles Hamilton having informed the House of his having arrested him, he (Butler) would state what he had to offer in his defence for having so done. The man making no answer, and having a paper in his hand,

The Speaker asked him what paper that was he held in his hand? He answered he could not read.—Q. Did he know the contents?—A. Yes.—Q. What were the contents?—Not answering, he was asked; did he write it himself?—A. No.—Q. Did he dictate it?—A. No.

Mr. Yorke moved that he should withdraw; (which having done) he moved that Butler be examined as to the statement made by Sir C. Hamilton. (Being called in)

The Speaker asked him, "If, when he arrested Sir C. Hamilton, that gentleman did not endeavour to satisfy him he was not the person whom Butler came to arrest?"—He answered, Yes.—He was ordered to withdraw.

The Chancellor of the Exchequer said, he believed the House could have no doubt of this being a gross breach of privilege. The honourable baronet had evinced a most patient and forbearing spirit, and as the man had not attempted to palliate his offence by the slightest apology, he moved, "That Daniel Butler, by his proceeding, had been guilty of a breach of the privileges of the House." Which was agreed to *nem. con.*

He then moved, "that Daniel Butler, for the said offence, be committed to Newgate."—Ordered.

Mr. Ellis begged leave to ask a question of his majesty's ministers, in which all who had property in the West India Islands were deeply interested, and that was, whether, in the late surrender of the Island of Martinique to his majesty's forces any agreement had been made by which the inhabitants of that island would be allowed to send their produce to this country.

The Chancellor of the Exchequer said, that by the Gazette his honourable friend was possessed of the same knowledge of any agreements as he was; but he could assure his honourable friend, that positive instructions had been given to the officers commanding that expedition not to agree to any thing that might entangle his majesty's ministers, so as to be obliged to yield any such permission

as had been alluded to by his honourable friend; and he had great satisfaction in giving him the further assurance that ministers had determined not to permit any sugars to be brought from that island to this country, except for the purpose of exportation.

Sir F. Burdett rose to make the motion of which he gave notice yesterday. He said he had this morning been to Chelsea Hospital, in order to view the premises, and he thought it was impossible for any words to give such a description of them as to convey a proper idea of the situation. It would therefore be necessary for every member who wished to be correctly informed of it, to take a similar view.—From what he had seen, however, he was convinced he had been rightly informed, and that what he stated yesterday was true. He had no doubt but a new infirmary might be necessary for the hospital, and it would have given him pleasure to have found that the commissioners of that trust had fixed upon the most open, airy, and healthy spot of the ground alluded to as purchased by the public for the benefit of the hospital, and to render it not only a useful, but magnificent establishment. He had hoped to find the infirmary situated near the side of the river, where the poor, ailing invalids would have the comfort and benefit of fresh air and a pleasant prospect; but, to his great surprise, he found that spot was granted for the house of Colonel Gordon, and the infirmary was built in a corner, where the air would be greatly obstructed; and, in short, it appeared to him to be the very worst spot that could be fixed on for the purpose in the whole of the ground belonging to the hospital. He could therefore look on the whole in no other light than as a downright job; and thought the officers of the hospital, the surgeon and physician, as well as the surveyor, had been very negligent of their duty in not remonstrating against such a situation. He thought there was a great hardship in depriving men who had passed the greatest part of their lives—many of whom had also lost their limbs in the service, of any of those advantages which had been intended to be afforded them in purchasing this ground by the public. Instead of a beautiful and healthy situation, which the house of Colonel Gordon would possess standing by the side of a river, and the ground around to the extent of four acres, the infirmary was placed in a back situation; and those who had

occasion to inhabit it would be cooped up in a miserable corner; and the whole ground belonging to it was not above a twentieth part of the extent of that granted to Colonel Gordon; or not more, at most, than above a quarter of an acre. He thought it a pity to spoil, for a job of any kind, so magnificent an establishment as that of Chelsea Hospital, and he was sorry to see that ministers paid no greater regard to the property of the people. He concluded by moving for

"A copy of the warrant from the commissioners of the Treasury, dated March 11, 1809, authorising the surveyor-general to prepare a lease to Colonel Gordon of certain lands adjoining to Chelsea Hospital."

Mr. Long said, that being one of the commissioners of Chelsea Hospital, he begged to say a few words on the subject. It had been represented to the board by Dr. Moseley, physician to the hospital, that an infirmary was wanted, and on hearing this ground had been purchased by the public; the commissioners thought it their duty to apply to the treasury, and they obtained that part of the ground on which the infirmary had been erected; when that was done, the surveyor-general ordered a survey to be made, and a report of what was the best mode of disposing of the remainder to the best advantage for the interest of the crown; and it had been reported that the most advantageous way would be to let out the remainder on building leases. It afterwards appeared to the Treasury, by a memorial from Colonel Gordon, requesting a lease of the remainder of the said ground for a house, that he had offered to give the sum fixed by the valuation which had been made. By an act brought in by Mr. Pitt, no crown lands can be granted but on a certificate and valuation of two surveyors on oath; that had been done; the act of parliament had been strictly complied with, and that was all the job complained of.—If the act had been complied with, and Chelsea Hospital provided for, it could be no job. The honourable baronet had said, the ground on which the infirmary was built was a very small part of the whole. He admitted it, but it was as much as was wanted. The honourable baronet had also said the officers should have remonstrated; for that there was no occasion; because all they asked had been granted them: and they had an assurance from the surveyor-general, that no buildings whatever should be permitted to be raised,

that might annoy the pensioners. He had no objection to the papers moved for.

Sir O. Mosely said, he had this morning accompanied Sir Francis Burdett to Chelsea Hospital, and he entirely coincided with him in opinion as to the whole of what he had stated respecting the situation of the infirmary, and Colonel Gordon's house, and concluded by saying the motion had his hearty concurrence.

Mr. Huskisson generally supported the argument and statement of Mr. Long, and stated further, that the plan of the infirmary had been transmitted to the Treasury by the governors, physician, and surveyor, and they had fixed on the spot as the most convenient and best situation. Whether they were as well able to judge and determine on that head as the honourable baronet and the honourable seconder of the motion, he would not determine. The honourable baronet had mentioned the corner in which they were cooped up as not a twentieth part of the ground granted to Colonel Gordon. Now the surveyors had on oath valued the land for the infirmary at 6000*l.* and on the same oath the land of Colonel Gordon was only valued at 52*l.* a year. Colonel Gordon having been informed by Sir David Dundas, perhaps, or some other officer of Chelsea Hospital, that the land in question was to be let for building on, had offered the terms of the valuation, and if the honourable baronet had applied and offered more than any other, he would have had it. The Treasury had been cautious that no house should be built so as to annoy Chelsea Hospital, and a particular instruction had been given on that head to the surveyor-general. The provision papers, he said, would embrace all the particulars relating to this ground, from the time of the purchase to the period of the grant to Colonel Gordon; and when they were produced, the honourable baronet would have no occasion to make his motion, or to call the surveyor or surgeon to the bar of that House.

Sir John Newport wished to be informed why it was, that, when a subsisting interest had been bought up with public money, that part of the land, which was not deemed necessary for the use of Chelsea Hospital, had been transferred to the crown lands, and not to the funds of the hospital, in as much as the lands had been originally granted for ever by the crown to the trustees of that institution?

Mr. Huskisson informed the honourable baronet, that the land in question, though part of the Chelsea estate, from which the grant had been made by the crown to the Chelsea Hospital, had never been granted to that institution. A lease had been granted by the crown of this land to Sir Robert Walpole, and it was the residue of the term so granted that had been bought up with the public money. That part, however, of the land, which was thought necessary for the infirmary for the hospital, had been purchased to be transferred to the use of the hospital.

Sir John Newport observed, that any mistake he might have fallen into had arisen from the imperfect statement of the honourable gentleman himself.

The Chancellor of the Exchequer did not mean to prolong this debate, but felt it necessary to notice one or two of the observations which had fallen from the honourable baronet who had brought forward this motion. The honourable baronet had stated, that it was only in consequence of the ignorance of those whose duty it was to be informed upon the subject, that he had not persisted in pressing his motion yesterday. This observation, he contended, was not founded in fact; for though he was not in the House when the conversation began yesterday, he had heard enough of it to know, that his right honourable and honourable friends (Messrs. Long and Huskisson) had given very nearly the same statement then that they had made this day. It was not matter of surprize if his noble friend (Lord Castlereagh) was not aware of this business, because undoubtedly it was not deemed necessary that every grant of this description should be communicated to all the members of administration. His own view in wishing the motion to be put off to this day, was in order that the House might not be taken by surprize, if without notice, it was to be called upon to agree to such a motion, founded upon a false statement of the facts of the case. The honourable baronet was disposed to view all the acts of his majesty's government with a jealous and jaundiced eye, and in that spirit, without waiting for the necessary information, had denominated this transaction, in the first instance, a job. The honourable baronet was well aware, that nothing could more effectually tend to inflame the public mind, than to come forward, as he did, to institute an inquiry into a proceeding which he represented as a favour to an individual, and an injury to those

old soldiers, who were so justly entitled to the sympathy and compassion of the public: as if the honourable baronet were the only person who felt for their situation, and his majesty's ministers were insensible to their claims or their interests. The House might at any time be taken by surprize upon such a statement; and it was to prevent that, that he wished the motion to be deferred. If the papers had been granted upon the motion yesterday, there would not have been any discussion; and if, as he was satisfied would be the case, the papers should convince the honourable baronet that there was no ground for his charge, then there would have been no opportunity to correct the statement of the honourable baronet. But what was the case of the honourable baronet? both he and the honourable gentleman who seconded his motion, had agreed that it would be of material benefit to the hospital that an infirmary should be provided. The Treasury having purchased the land in question, directed the proper persons to fix upon what part of it should be necessary for the hospital, and then directed the surveyor-general to report what should be done with the remainder, and how it should be disposed of most beneficially for the public interest. If they had not done so then the honourable baronet would have come forward with a motion against them, for having sacrificed the public interest with a view to shew and ostentation. But having disposed of the land in the manner most for the public good, the honourable baronet who viewed all the acts of ministers with a jaundiced eye, thought proper to represent the transaction as a job. He did not know, whether it would be contended, that they ought to have taken the opinion of the honourable baronet, rather than the report of two sworn surveyors, as to the value of the land; but certainly if they had not taken the measures which had been adopted, they would have been open to censure as improvident servants of the public. He did not mean to object to the production of the fullest information that could be had upon the subject, and should therefore agree to the motion of the honourable baronet, as well as to the other motions which his honourable friend proposed to make. As to the other part of the course proposed by the honourable baronet, viz. to call the surveyor who had reported upon oath to the bar, in order to ascertain whether he had perjured himself, he was sure the House would

not agree to such a motion, until the papers should be laid before the House, when they could decide whether the transaction deserved to be called a job.

General Tarleton agreed with the right honourable gentleman that it was desirable that the debate should not have taken place yesterday, because the honourable baronet and the other honourable member had since an opportunity to visit the land, and their report had such an effect, that the right honourable gentleman (Mr. Long) had admitted that if any buildings were to be erected upon it, which would interfere with the hospital, they should not be permitted. For his own part, he did not know any military character living to whom he would consent to grant a single acre of land to the detriment of the hospital. If Marlborough or Wolfe were to rise from the dead, he would not consent to such a grant to either. The hospital was a tribute from the nation to those who fought its battles, and should be kept up with every care; and certainly the sum to be received was no object when compared with the benefit to be derived to the hospital from having its infirmary erected upon a proper site, which should command a free circulation of air. He applauded the motives of the honourable baronet, and if the papers should bear out his statement, he would support the motion for bringing the surveyors to the bar.

Mr. Rose observed, that one would suppose from the arguments of the honourable general, that something had been taken from Chelsea Hospital to be given to a favoured officer; whereas the fact was, that when this ground was bought by government, it was left to the physician of the hospital, the trustees, and the surveyors to cut and carve out of it what they thought necessary for the use of the hospital. Before the 34th of the King, the disposal of crown lands was a source of influence to ministers; but since the passing of that act, the crown lands had been let with as much attention to the interests of the public, and as accurate regard to their actual value, as the lands of any bishop or corporate body in the kingdom.

General Tarleton had not stated that any thing was granted from Chelsa Hospital to a favoured officer. He had only said, that he would not consent to a grant to any officer living or dead, which would be injurious to that hospital.

Mr. Biddulph observed, that one benefit would result from this motion, because it would leave the House to consider whether the act of the 34th of the King was the most beneficial mode of disposing of crown lands. He did not think it was, and when the papers should be on the table, the House would be able to decide. He did not mean to assert that all official forms had not been preserved in this transaction, but was of opinion that the surveyor-general, when put in possession of the report of two sworn surveyors, should then have put up the land to public auction. There might be many gentlemen in that House who would have been competitors for this land; but how were they to know of its being to be disposed of, when it was so conveyed away by a close bargain?

Sir Francis Burdett felt it necessary to trespass upon the House with a few words upon the observations which had fallen from the right honourable gentleman opposite (the Chancellor of the Exchequer), so far as they were addressed particularly to him. He had hoped that, whilst the right honourable gentleman was proceeding in the observations he had thought proper to make upon his conduct, he would have learned from the severity which he must have perceived in the Speaker's eye, the irregularity he was committing by imputing improper motives. In noticing this conduct, however, he should not employ any of the indignant warmth of the right honourable gentleman, because he was conscious that no part of his observations could justly apply to him. The right honourable gentleman had alluded to the arrogance of his presuming to differ with the surveyor general, and from the report of two surveyors upon oath, as to the value of this land, Whether this was arrogant in him, it was not for him to say; but certainly he was totally ignorant that any such report or opinion had existed. But as to the suspicion of the acts of government, which had been imputed to him, he confessed himself suspicious of the acts of all administrations, and unquestionably what had recently been brought to light justified that suspicion. No man would be more sorry than he himself that this suspicion should be carried to a greater extent in the public mind than the circumstances of the case would warrant; yet he was happy that a feeling of this description had at length been excited in the public, that had been so long deceived. The honourable

gentleman who followed him had said, that the land let to Colonel Gordon was not fit for building upon; but it would be strange land that would be fit for Colonel Gordon to build upon, but not be fit for the erection of buildings for Chelsea Hospital. As to the infirmary, it was to be inclosed upon one quarter of an acre of land, with a wall eight feet high on one side, and with the buildings and trees of Colonel Gordon on the other; and this inconvenience was to be incurred for the paltry consideration of fifty-two pounds per annum, a sum which he would much rather pay out of his own pocket than that the appearance of that beautiful monument of national gratitude and munificence should be spoiled. He did not deny that a medical man may have said that enough of land had been retained for the infirmary; but no man of common sense would contend, that the erection of Colonel Gordon's house and plantations would not spoil the appearance of the hospital. He could not help being suspicious of a job, when he saw the most profitable part of the land given to an individual, and the least valuable to the hospital. It was no argument to say, that the part transferred to the hospital was valued at five or six thousand pounds, when it must be obvious that the remainder of the land, forming a beautiful terrace down to the river, and affording a fine free circulation of air, would be a most valuable accession to the hospital. Many persons, he was informed, would give 10,000*l.* for it. In bringing the subject therefore before the House, he contended that he had not shewn any disposition to view the acts of the ministers with a jaundiced eye. It was not his wish to hamper his majesty's ministers; neither did he wish to turn them out of their places; for he really thought them as good as any other set of gentlemen that might succeed to their places; or as any set of gentlemen of whom, if he had the selection, he might point out himself. But he had a jealous eye upon all their measures, because it had not lately been the habit of administrations to attend much to the public interests. It had been said by a right honourable gentleman that nothing was here taken from Chelsea Hospital—granted; but ten times as much as was given to the hospital had been given to an individual. The right hon. gentleman had said, that if ministers had not secured the 52*l.* a year, that circumstance would have been the ground of a motion against them. Now he could

appeal to the Chair and to the House, whether it was his practice to bring forward capricious motions. When he did make motions of the nature of that before the House, it was to him a painful duty; for certainly he should rather, if he could, concur with the majority of that House, or of any public assembly. What he complained of, he was influenced to upon public ground; and he still insisted that it was highly improper, when this, the only piece of land in the kingdom that could answer such a purpose, was out of lease, that advantage had not been taken of it to add to the beauty and appearance of that magnificent monument of national gratitude. He had not presumed to call the transaction a job, though he said it had the appearance of one; and now that the subject had undergone some discussion, he continued of the same opinion. When the papers should be produced, it was his intention to call these wise men who had been consulted to the bar. It was possible to have a question put in such a manner as to insure the answer desired; but however that was, all the surveyors in the kingdom would not be able to persuade him that a wall eight feet high, and the buildings intended, would not prevent the free circulation of air.

The Chancellor of the Exchequer, if he had imputed any improper motives to the honourable baronet, begged to apologize to him and the House. But certainly an honourable member who himself made unfounded charges against others for jobs, had not much reason to complain of the imputation of motives.

Mr. S. Bourne contended, that the physician and trustees of the hospital were the best judges of the quantity of land they should want, and had not, therefore, taken less than was necessary.

Mr. G. Vansittart wished to be informed what was the quantity of land transferred to the hospital, and what the quantity let to Colonel Gordon.

Mr. Huskisson replied, that the papers would shew that.

Sir Francis Burdett stated the quantity of land given to the hospital to be a quarter of an acre, that let to Colonel Gordon about four acres.

Mr. F. Moore thought that every man who wished well to the interests of the hospital, was indebted to the honourable baronet for having brought forward this mo-

tion. He was of opinion that the building should be suspended until the papers should be produced. He wanted materials to enable him to judge when it was stated that one-fourth of an acre was valued at five or six hundred pounds, and four acres had been let to Colonel Gordon at a rent of fifty-two pounds a-year.

The motion for the warrant was then agreed to, as were all the motions proposed by Mr. Huskisson, for the various other documents connected with this transaction.

ADMIRAL HERVEY.

Mr. Ward informed the House from the bar, that the lords commissioners of the Admiralty, having ordered a court-martial to be held on the 1st of May upon Admiral Hervey, on charges for a breach of discipline exhibited against him by Admiral Lord Gambier, had issued a warrant to the marshal of the Admiralty to take the said Admiral Hervey into custody, and as he was a member of that House, that their lordships thought it right to communicate the same, together with a copy of their warrant to that House. The warrant was then given in, and read by the clerk at the table.

Mr. Creevey asked whether the house which had been purchased in Downing-street had been given as an official residence to the president of the board of controul, and declared his intention, if so, to contend afterwards that such grant was contrary to law.

The Chancellor of the Exchequer stated, that the house had been given as a residence to the president of the board of controul, in consideration of the small emoluments of that office, as compared with the laborious and important duties annexed to it. It was then ordered, on the motion of Mr. Creevey, that there be laid before the House a copy of the minute or minutes of the treasury, relative to the purchase of a house in Downing-street, and the grant of the same to the president of the board of controul.

THANKS TO THE CAPTORS OF MARTINIQUE.

Lord Castlereagh, in rising to call the attention of the House to the services of the army and navy in the West Indies, need not remind the House that this was not the first time of voting thanks to the army and navy for the conquest of Martinique; but that capture had never been effected under circumstances more glorious than in the re-

cent instance. It was a proud circumstance for the country, that whilst we had an army of 50,000 men on the continent of Europe, government had been able to collect a force of 10,000 men for offensive operations against Martinique, without detaching any troops from Europe. Though the gallantry of the troops had been most distinguished, there was one circumstance which peculiary characterized this conquest, namely, that from the effectual measures taken by the officers of health, the object of the expedition had been accomplished with less loss by disease than at any former time. Every favour, too, consistent with the interests of the public, had been shewn to the inhabitants of Martinique, who, we are happy to add, had behaved with the greatest good-will towards their captors. The country, he had no doubt, would derive particular satisfaction from observing the zeal and unanimity with which both services acted on this occasion; it would serve as a pledge for their future co-operation, if required. The noble lord concluded by moving the thanks of the House to Lieutenant-general George Beckwith, for the entire conquest of the island of Martinique; to Sir A. Cochrane, knight of the bath, for his able disposal of the naval force under his command for the attainment of this object; to Lieutenant-general Prevost, Major-general Maitland, Brigadier-general Houghton, Commodore Cockburn, and those under his command; and that the approbation of the House should be signified to the non-commissioned officers, and to the sailors and mariners concerned.—Agreed to *nem. con.*

On the motion of Sir Samuel Romilly, the House went into a Committee on the amended bankrupt laws bill.

Mr. Jacob made some objections to the clause respecting the appointment of assignees, to which he proposed making some amendments.

Sir Samuel Romilly said, no remedy was at present proposed, and considering the advanced state of the session, and the great consideration which a bill of this kind required, he could not consent to any alteration. The remedy of the honourable gentleman was not even matured; and if it was, he understood it was intended to be modelled on a plan which had been brought into the House of Lords last session, and which had been thrown out there on account of its ineligibility.

A long discussion took place on the wording of the clause

for empowering the commissioners to summon the assignees, even before a dividend, to deposit the money they received in the hands of a banker. The clause was, however, finally agreed to as proposed, without any amendment.

The wording of the next clause, for "allowing sureties, and acceptors of bills, who should pay their debts after the commission, to prove under the commission," produced a very considerable discussion, and an amendment was agreed to.

After some further clauses were gone through, the chairman reported progress, and had leave to sit again.

Adjourned.

HOUSE OF COMMONS,

MONDAY, APRIL 17.

Lord A. Hamilton said, that from the absence of several friends whose presence were of importance to the discussion, he was induced to defer his motion, relative to the report of the East India Committee, from Friday next to to-morrow se'nnight. He hoped this arrangement would meet the concurrence of the House.

Lord Castlereagh had no objection, as far as he was individually interested, to the postponement of the motion, provided there was an understanding that it would positively be brought forward upon the day which the noble lord had now appointed.

MINUTES OF EVIDENCE ON THE LATE INQUIRY.

Lord Folkestone rose, according to his notice, to make his promised motion relative to the minutes of evidence upon the late inquiry. He was not disposed to trouble the House at any length upon the subject, as he could not possibly anticipate any opposition to a motion to which there could not be any objection. All must recollect that on the late inquiry evidence of corrupt practices to a very great extent had been given; but the House could not ascertain, from evidence relating to another definite object, to what lengths such corruption had gone. On one occasion that evidence was so precise, that a Committee had been in consequence appointed, various discoveries made, and mal-practices developed. From the tenor of many other testimonies, it was plainly apparent that various places under government had been disposed of by

persons in town: this the House could not possibly suffer to proceed without taking some steps for the punishment of the guilty, and applying a remedy to the acknowledged abuses. Many facts had come out also, by which it was plain that much impropriety had prevailed respecting the sale of commissions in the army—that officers had been appointed through the agency of army-brokers, and that the established regulations of the army had been infringed upon. To establish this assertion, he need only remind the House of the facts which had been developed respecting French's levy, and the inferences to be derived therefrom. It appeared that at the time this levy was on foot, many other levies were also going forward, and that this levy was distinguished from the rest by the attention which had been paid to it; and yet in this levy the utmost corruption had prevailed. Was not this then a sufficient ground for the interposition of the House, with respect to the other levies, which, being less watched, were not of course more pure? (*Hear, hear!*) When he had given his notice, these circumstances had made a great impression on his mind, and various discoveries had since been added to strengthen that impression. Such a mass of evidence had come before the East India Committee, that no person could be at a loss to ascertain the truth; and that truth was, that abuses to an enormous extent had taken place. This the House would not, he was confident, be forward to dispute; and upon the acknowledgement of this as a basis his motion rested; for if in what had been inquired into, abuses had been discovered, suspicion must attach to what had remained concealed. (*Hear, hear!*) He would now trespass no longer on the House, but reserve himself for any objections which might be made against the motion, which he would submit, and which was as follows:—

"That a Committee should be appointed to inquire into the execution of corrupt practices in the state, as to the purchase and sale of commissions, and as to the issuing of letters of service; and that such Committee should report the result of their proceedings to the House."

The Chancellor of the Exchequer could by no means agree to adopt the motion which had been submitted to the House. The noble lord seemed to think, that from evidence which had been adduced, criminal informations should be filed against all those concerned, and that a

general inquiry should immediately be instituted. Now as far as he could collect from the evidence, no distinct guilt could be brought home to any individual, and of course no criminal information could be filed. All he saw was, that certain people, under the appellation of brokers, endeavoured to erect themselves into a sort of agency, in which they might persuade those who had offices in their gift, and who were ignorant of their deception, to dispose of such offices according to their appointment. He need not give a more exact exemplification of this than the case of Mr. Thellusson, who had no corrupt knowledge of those to whom he had extended his patronage. This, in his mind, was the general character of the offence which the evidence on a late occasion went to describe, and which certainly did not go so far as to impute individual guilt, against which a criminal prosecution might be instituted; an ulterior proceeding therefore on this ground would be nugatory and inefficient. But he would even admit it might be efficient, and he would ask, ought the House to inquire into all the abuses which had taken place during the last half century? What effect could such a proceeding possibly have, except to increase the ferment in the public mind? (*a laugh.*) Gentlemen might laugh, and he was well convinced there were many of those opposite him, whose conviction, though possessing the best intentions, he could not carry with him. It would be impossible to impute individual criminality, so as to institute a criminal prosecution, and therefore the inquiry would be useless; but, if those who differed from him wished to be convinced, they ought to attend seriously, and not treat the subject with ridicule. With respect to the application of a remedy, he could not see what new discovery the noble lord had made, and thought, for his part, the House was already in sufficient possession of the nature and quality of the case, to render any further inquiry unnecessary: indeed, still further to obviate this argument, he had himself brought forward a bill, for the purpose of putting a stop to those agencies. When the House saw the provisions of this bill, he was sure they would, at least, give him credit for industry; when it was printed, they might see whether it was adequate or not; and if they thought it was not, then it might be judged how far and in what respect improvement was necessary. After what had been discovered,

Parliament had now only to look prospectively, and see what description of remedy was necessary. He would then object to the motion, because it did not go to punish any particular offender, because no further information was necessary, and because it would not be advisable to proceed on a *general* surmise that delinquency does exist. The noble lord certainly had proposed no advantage which could compensate for the inconveniencies attending his motion.

Lord Archibald Hamilton did not intend anticipating the debate on the East India patronage, yet he was of opinion that sufficient disclosures had been already made, to negative the assertions of the Chancellor of the Exchequer. He seemed to oppose this motion, chiefly because it went to create or increase the ferment in the public mind; but he was well convinced that the most certain way to feed the discontent of the people was to stifle inquiry into those abuses, the existence of which no man now could be obstinate enough to deny.

Lord Folkestone said, after what had fallen from the Chancellor of the Exchequer, he found it impossible not to offer a few observations. With respect to the bill of the right honourable gentleman, he could not be expected to deliver his sentiments, as he was an utter stranger to the provisions which it contained, which he believed was the case with the majority of the House. It was said that his projected Committee could bring no particular culprit before the House; he would ask, was it possible for any man to deny that it was very possible after the evidence which had been already adduced? It was said also that the law could not punish those to whom no direct criminality could be attached. The House, however, had other methods of punishing those who transgressed its rules than those which the strict letter of a law court laid down. Another objection made was, that there was no specific object in his motion; his object was to inquire into abuses, which had been proved to exist, and to bring the delinquents to summary and ample punishment. If there were any in the House, however, who did not believe that those abuses really existed, the way for those to proceed would be to support his motion, and prove to the public the veracity of their assertion. *(Hear, hear, hear!)* As the noble lord had justly stated, the surest way to allay the ferment of the people would be to shew them

that such ferment had been causelessly excited. (*Hear, hear!*) The House ought not to shut its eyes to the state of the country; they should respect the impression which had been made on the public—institute an inquiry—punish offenders if they were found to exist; and if they did not exist, then set government right in the popular estimation. Whether then the abuses existed or not, an inquiry ought to be instituted; or, if it was opposed, the opposition ought to come least of all from him who was the friend and associate of those culprits on whom justice should be executed.

Lord H. Petty agreeing, as he did, with a great part of the arguments of the noble lord who brought forward the motion, still felt it impossible for him to vote for it in its present shape. But though he could not support the noble lord's motion, he was prepared to declare his complete dissent from the argument urged by the right honourable gentleman against it, that because there was a prospective measure before the House for the correction of an existing evil, it was therefore not necessary to institute any inquiry into that existing evil. On the contrary, he should contend, that, with a view to render the remedy effectual, it was desirable that the House should be made acquainted with the whole of the evil; and he was at a loss to conceive any good reason why the inquiry should not be prosecuted. But the view in which he regarded the motion of the noble lord rendered it difficult for him to agree to it, at the same time that he did not differ from the arguments of the noble lord, or dispute the propriety of having the abuses known to exist sifted to the bottom. His objection was to the extent of the trust proposed to be delegated by the House, if the motion were acceded to, and a Committee to be appointed according to the terms of that motion. He had come down to the House with an impression that the motion of the noble lord would have been for a particular reference to a Committee above stairs of the particular facts which had been produced in evidence before the Committee of the whole House. In all cases of the appointment of such a Committee, so far as he had been able to learn, there had been invariably a particular reference to some distinct facts to which the investigation of the Committee was to be directed; and certainly, the noble lord in his statement had not given any reason

that could satisfy his mind of the propriety of departing from the general practice of the House. In a Committee constituted as that proposed by the noble lord, it would be competent to any individual member to point out at his discretion any line of investigation for the attention of the Committee. This was a discretion which the House should not, and ought not to delegate to any Committee. The inquisitorial power respecting existing abuses, and the manner of directing and regulating the course of inquiry into them, was fit only to be exercised by that House, and should not be delegated to any Committee. If the noble lord should bring forward any distinct allegations to the House, he should have his support in any proposition he might make for inquiry. But the House would perceive, from the generality of the noble lord's motion, that the inquiry would extend to all the departments of the state, and that too without any specification of facts to sustain it. Thinking, therefore, that the noble lord's motion would go beyond the limits which the practice of the House had established, it could not meet his concurrence, though he should cheerfully support any motion for inquiry upon a distinct allegation, founded either upon the facts already in evidence before the House, or upon any facts which the noble lord might obtain from any other source. In the present temper of the times, they were bound to encourage inquiries upon any rational ground, and it was only from the generality of that proposed by the noble lord that any objection could arise against it in his mind. The only two precedents which his examination of their journals enabled him to find of such a general inquiry would shew the inefficacy of that course, because in both instances the inquiry had proved abortive. The first was the Committee appointed to inquire into the conduct of the Tory Administration at the end of the reign of Queen Anne; the second was, the Committee appointed to inquire into the conduct of Sir Robert Walpole; and in both cases the inquiry led to no beneficial result. It was the duty of that House at all times, but more particularly in times like the present, to inquire into existing abuses; but he was sure it would pause before it should adopt a course so inconsistent with its established usages. If this Committee were to be appointed, it would become a Committee of public accusa-

tion. He could not, therefore, agree to this motion, though he would be ready to support any rational course of inquiry founded upon distinct and specific allegations.

Mr. Whitbread was sorry that he had at that moment to address the House, but he could not reconcile it to himself to give a silent vote upon this question. All the right honourable gentleman had said did not appear to him to justify his opposition to the question of the noble lord. Neither could he accede to the arguments of his noble friend, that because the inquiry was too general, it ought not to be gone into. The right honourable gentleman had not denied the existence of abuses; the time for such a denial was gone by; and when the existence of abuses was known, the necessity of inquiry must be obvious. He had not heard the whole of the speech of the right honourable gentleman, having come into the House when he was in the middle of it. The first observation he heard from him was directed against some levity with which he supposed what he had previously said had been received. He could assure that right honourable gentleman, that he was not in the habit of treating his arguments with levity; and in the serious situation in which the country was placed, such levity would be misplaced. The right honourable gentleman had admitted the existence of abuses (*No, No! from the Treasury Bench*); well, if he had not, it was a right he possessed to assume it. But, whatever might be thought upon the subject within the doors of that House, it was the impression abroad that extensive abuses did exist, and would be discovered if this Committee were to be appointed. But it was said, by the right honourable gentleman, that the inquiry ought not to be prosecuted, even though a discovery of abuses were to be the result, because the remedy for those abuses was contained in a bill now in progress through that House. That bill he had not yet seen, and consequently could not be acquainted with its provisions; but he doubted whether all he could do in that way would remedy the abuses; and it was absolutely necessary to know the extent of the grievance, in order to render the remedy effectual. The right honourable gentleman had stated, on a former night, that he had received information respecting the traffic in places, carried on by the house of Pohlman and Keylock, even before the inquiry had been instituted in that House. When the fact was mentioned by his honourable friend, it was

received with great levity; and, though the right honourable gentleman was aware of the case at that time, he had nevertheless joined in the laugh which had been excited. It was now known that these men were the universal agents of all persons who sought places in any department of the state; and may not they have been connected with persons in some of those departments through whom they procured the appointments in which they trafficked? It was extremely desirable to know through whose means these persons obtained the situations in the army, the church, and the other public establishments. After what had recently came to light, and the discoveries made by the Committee on East India patronage, was the right honourable gentleman surprised that a ferment existed in the public mind? A ferment did certainly exist, and an indignant feeling pervaded the public mind, concerning the abuses which had been detected. It was the more incumbent, therefore, upon that House, to promote the inquiry proposed, in order that the guilty might be detected and punished; or if no such abuses did exist, that that fact should be made out to the satisfaction of the public. But it would be most dangerous if they were to stifle the inquiry in the first instance. As to the objection against the generality of the motion of his noble friend, that appeared to him not to be a sufficient ground for opposing it. He was prepared to admit, that if he had had the preparing of the motion, he should have drawn it up in a more distinct and specific form; but still its generality was not, in his opinion, any ground for opposing it. It had been said by his noble friend, that the House ought not to delegate such powers as were proposed to any Committee; but he must contend that twenty-one gentlemen might be selected from that House, to whom such powers might be given, not only with safety to the inquisitorial powers of that House, but with advantage to the objects of inquiry. His noble friend, too, appeared to him to be mistaken in the view which he had taken of the Committee towards the close of his speech, when he represented it as a Committee of public accusation. The real fact was, that the powers proposed to be given to the Committee were not powers of accusation, but powers of investigation into the abuses which existed in the state, not with a view to accusation but to correction. He could wish that he had it in his power to say, that no abuses

did exist; but he sincerely believed that corruptions existed in the various public departments, which it was desirable should be brought to light, and it was necessary to have inquired into and corrected, in order even that the government might be safe. His noble friend had objected that the powers of the Committee were to be general: true, but in the two precedents which he had referred to, and which he had stated to have failed of producing any beneficial result, the question which the public would ask, was, whether the Committees had in these two cases done their duty? Whether, when they had come to some strong point, some important fact, or traced delinquency to some prominent person, they had not then stopped short, and blinked at the question? If these Committees had not done their duty, that was not a reason why the Committee should not now be appointed, though it would be a very substantial reason why the House should take care that none but proper persons should be placed in the Committee. These were the reasons which induced him to support the motion of his noble friend: and he felt anxious to state them before they should come to a vote. He did not differ in principle from his noble friend; but as there must be either the black or the white in the completion of the case, the inquiry appeared indispensable, in order to ascertain which was the real colour; and the motion should consequently have his support.

Mr. Tierney observed that this was the first instance in which he had ever known so important a motion submitted to parliament without any previous notice. For if he was to have been asked, as he had been in the course of that day, what he supposed would have been the motion of the noble lord, in consequence of the notice he had given just before the holidays, he must have answered that it would have been to refer to a Committee up stairs all the evidence taken before the Committee of the whole House, which did not refer personally to the Duke of York. This was what he could collect from the terms in which the noble lord had given his notice; and certainly he could not have supposed that the House would have been upon a sudden called upon to entertain this most important question without the slightest shadow of a notice. The subject, in itself so important, was rendered more awful by the circumstance of the public mind being heated, and he

would add justly heated, by a reflection upon the abuses which had been detected. The motion of the noble lord literally amounted to an arraignment of the whole of his majesty's government, as guilty of corruption in the administration of their various departments. That was the real state of the question; and it was not without the most serious deliberation, that an accusation of that description was to be entertained. He concurred with his noble and honourable friends, that it would be disgraceful if that House were to refuse to go into an inquiry, where particular facts were specified, and distinct charges of abuse exhibited. They owed the prosecution of such an inquiry as a duty to the people; but they owed also a duty to government, and were bound, from the interest they all had in its character and credit, to protect it from general accusations, unsupported by any distinct charges of specific abuses. If they were to agree to the motion of the noble lord, they would not be dealing with government, as they would deal with an individual. Unquestionably it would not be contended, that it would be fair to an individual to make a general charge against him, and then tell him that if he were innocent, he would have the opportunity in meeting the accusation to prove that innocence. He would not, he protested, deal in that manner with any of the honourable gentlemen opposite, notwithstanding his political hostility to them. Before he could agree to the motion of the noble lord, he must have cases of abuse distinctly stated; and from the distinguished sagacity and acuteness which had been evinced by that noble lord, he was convinced he must have many such cases, which he could produce from the mass of evidence laid before the House. Let the noble lord bring forward a distinct statement of such specific cases, and he should have his support on any motion he should make for inquiry into them; nay, he would gladly second such a motion. But it was not for that House to agree to the motion then under consideration, because it had pleased some persons out of that House to say that they were all corrupt. On such a subject he should not suffer himself to be influenced by any feeling which might exist out of doors, nor consent to the appointment of such a Committee as was proposed, which, without any limitation of time, upon no specific offence alleged, and without any distinct charge urged, would place all the public establishments of the

state upon their trial. He trusted that the noble lord would not feel that in opposing this motion he wished to thwart the object of this motion, or to throw any veil over the transactions which he wished to make the subject of inquiry. This motion was of such a description, that even the noble lord's own friends could not vote for it, because there was no precedent to be found of a similar proceeding. He was ready to do credit to the sincerity of the noble lord, in his wish to detect and expose public abuses, and to admit that he was convinced that this was the sole object he had in view in bringing forward his motion. But still, notwithstanding all this, together with what lately came to light, he must contend that the noble lord had stated no ground to warrant Parliament in departing from its established and invariable practice. What, he would ask, had been the whole of the case that had lately been brought to light? The whole of the abuses detailed in the report of the Committee on East India patronage, with the exception of a single case, which it was neither his wish, nor would it be proper for him to touch upon, had no connection whatever with the government. They referred to the manner in which the patronage of the East India directors had been abused—a patronage exclusively belonging to them by a particular law, and for the abuse of which they were punishable by the same law. When the Committee had been proposed, he was of opinion that the motion ought not to have been acceded to, because the abuses alleged did not concern that House or the government; and he could not discover any reason why a Committee of that House should be appointed to do the business of the gentlemen of Leadenhall-street. As well might those gentlemen, if one of their clerks misconducted himself, come to the bar of that House, and ask for a Committee to inquire into the case. But why then, when, with the exception to which he before alluded, and which he begged leave not to be considered as giving any opinion upon, no one of the cases implicated the government; why, he asked, had the noble lord fixed upon that subject, when so much more than suspicion existed as to the transactions of the office of the Horse Guards, as detailed in the evidence before the House? Why did the noble lord pass over what he could sustain by evidence, and propose, by the course he

was pursuing, to place the administration of the Admiralty and all the other public departments upon trial? He wished the noble lord to withdraw this motion, and to bring forward some distinct facts, in which case he should support him; but he felt it a duty to vote against the present motion. The noble lord must have many cases which it was his intention to bring under the consideration of the Committee, and if he would but specifically state any of these to the House, he should have his support. It might be imputed to him that he was corrupt for the vote he should give that night; but he would leave his character and his life to speak for themselves, and no cry should ever induce him to vote for the present motion.

Mr. Brand briefly stated the ground of his dissent from the motion of his noble friend to be, that there was no precedent for such a proceeding, and the terms of the motion were too general.

Mr. Lethbridge said, that he came down with a determination to support the motion, supposing it related to charges against particular individuals, or on specific subjects (for the people of England were looking forward to charges against particular individuals); but finding it did not, he could not give it his support. He must dissent from the present motion, and wait until the noble lord, or some other person, would come forward better prepared with specific charges. He could not accede to so general a motion, on the presumption that abuses prevailed in every department of the government. He did not believe that any such existed to the extent supposed.

Mr. Ponsonby hoped, that on account of the vote which he should give, he would not be accused by any man of a wish to countenance or protect abuse. The noble lord, who made the motion, could not be more anxious than he was to punish corrupt abuses wherever they were discovered. He could not assent to the present motion, because it took for granted that abuses did exist in every branch and department of the government. It would have been easy for the noble lord to have obtained the substance of his motion in another way. He should have adopted the example of the honourable member who brought forward the charges against the Duke of York. That honourable member stated specific charges; he detailed part of the evidence that he meant to adduce in support of them, and on that fair and candid statement

the House granted the Committee he required. But there never was an instance in which a Committee, with powers so unlimited, and objects so undefined, had been agreed to. The object of the motion was no less than to criminate the whole department of the state. It was impossible for him to give a silent vote when a charge so general and so serious was preferred; and particularly as there was a disposition out of doors to believe every thing that was alleged against that House. They were industriously represented as all knaves and rogues alike, and the people were told that parliament was so corrupt that it was of no consequence in whose hands the government was placed. He could not agree to any motion that would sanction such infamous and impudent calumnies. There were men in the House as honest and uncorrupt as any out of doors, and much more so, he believed, than those who laboured to brand them with this general stigma. For himself, he would say that any person who made such a charge was not a whit an honester public man than he was. In whatever regarded abuses in the finances, or any particular specified department, he would go as far as any one to promote inquiry and obtain redress.

Mr. Hutchinson, though he could not entirely approve the form of the motion, was inclined to support it. The present moment was awful in the extreme. He wished to see the constitution restored to its genuine purity. It was notorious that abuses did exist, which called out for examination and correction. He had no hesitation in declaring, that the system of government followed in this country for years past was such as ought not to be continued. He was aware of the inconvenience of a Committee with such general powers. But could any man say, after what had lately appeared, that corrupt practices did not exist? He feared that great injury would be done to the public cause by thus stifling investigation. It was asked why the noble lord did not prefer specific charges? He had no doubt but that he was prepared with specific charges, although he might have good reasons for not stating them in the outset. The object of the motion was to strike at abuses, under whatever government they might exist, or have existed.

Mr. Parnell observed, that the motion was not of that general nature described. The labours of the Committee, if it should be granted, would be limited to the three

points of inquiry stated by the noble lord; French's levying the sale of commissions in the army, and the sale of places under government. He would give his vote for the motion if it proposed a more extensive inquiry.

Mr. C. Wynne could not agree in the explanation of the nature of the motion given by the honourable member. It appeared to him to contain a general charge of a corrupt disposal of places, without any limitation as to time. He would not refuse to go into an inquiry, if a specific charge was brought forward; but he could not agree to go into charges without knowing whether the persons implicated in them were dead or alive, and in which it was not impossible the defence of the parties might rest on the testimony of witnesses long since in their graves. He agreed with a noble lord (H. Petty) as to the impropriety of delegating functions that ought to be exercised by themselves. They were sent there to discharge the duty for which they were delegated by the Commons of England, and that was a privilege he would not part from his hands. Before they agreed to any Committee, they were to consider whether the case was of such magnitude as to deserve to be sent to a Committee. There was another ground on which he felt it his duty to resist the motion. He understood that it was intended to inquire into transactions that took place in another part of the empire antecedent to the union. The greatest inconvenience would result from this. It would affect neither himself, nor any of those with whom he was connected, but it would deeply affect the characters of persons now in their graves, Lord Cornwallis and Mr. Pitt. It would be impossible for a Committee, constituted as this was proposed to be, to refuse to listen to, and entertain such charges. Upon these grounds he must decidedly object to the motion. If a case was stated sufficiently grave to call for consideration, he would give it every support in his power.

A member under the gallery (Mr. T. Foley, we believe) said, that the motion met with his hearty support. He thought that they could not discharge their duty to their constituents more effectually than by inquiring into abuses, wherever they were suspected to prevail. The people had good reasons to suspect the government of the country.

Sir J. Anstruther said, that his chief objection to the

motion was, that it was too general in its object, and that it assumed that abuses did exist without stating a tittle of evidence to support such an assumption. One gentleman arraigned the whole system of government; and an honourable member under the gallery says, that the people had a right to suspect government. The noble lord who brought forward the motion accused government of screening abuses; but why did not the persons who made those charges bring forward instances to justify such assertions? Why did the noble mover make his motion so general? Why did he not come forward with facts, if any were within his knowledge? No; they were called upon to go into an inquiry they knew not why. It was impossible any moderate man could agree in such a motion. If a specific case was brought forward with time, and place, and circumstance annexed to it, let it be inquired into. But an inquiry so undefined, so extravagant as this, he would oppose in the first instance, and in every stage of its progress. He would never consent to vest a Committee of that House with unknown powers, to do unheard of and unknown mischiefs.

Mr. P. Moore hoped the noble lord would receive back his motion, and bring some specific case to support him, in which there appeared the strongest disposition. He understood that his motion was to be of the nature described by his honourable friend next to him (Mr. Tierney), that it would relate solely to some collateral matter arising out of the investigation of the charges against the Duke of York. If the noble lord had read the eighth report of the military inquiry, it was strange that he should have mentioned French's levy only as a subject of investigation. He might have found in that report, that were no less than twenty-one such levies. It would have been well worth his while to investigate into the manner in which these levies were obtained, how conducted, and the result with which they were attended. He would find that no less than 500,000*l.* of the public money had been lavished in this way, and that the produce of men had failed almost in every instance. The examination had only yet proceeded as far as 211,000*l.* of this expenditure, and it was discovered that of this sum no less than 96,000*l.* had been drawn by fraud and imposition. There was matter sufficient in these to have

afforded a Committee employment for the rest of the session.

Mr. Secretary Canning said, that considering the impression which the notice of the motion, given by the noble lord previous to the recess, had made out of doors, and the public expectation it appeared to excite, he felt it incumbent upon him to state his sentiments. It would not become a person filling the situation he did to give a silent vote. It would be impossible for him, consistent with his duty, and valuing the frame of the constitution as it stood, not to give his most marked and decided disapprobation to the motion. In opposing it, he did not oppose a motion for a specific inquiry into specific abuses, but he opposed a motion that had no relation whatever to it. A specific inquiry would have fastened on individuals, or abuses; but the object of a motion, so general and undefined as that before the House, could have no other purpose than to scatter general censure, to keep up a ferment in the public mind, and to do mischiefs beyond the apprehensions of those whose apprehensions were strongest. The noble lord had accused his honourable friend of a disposition to screen abuses, and had reproved the remedy which was proposed by him to prevent confederacies out of doors, for the corrupt disposal of patronage. Another gentleman had pointed out to the noble lord objects for inquiry, which it appeared were already under examination. It did therefore appear that these manifold abuses, which were supposed to prevail in every department of the state, were not wholly without remedy. If these remedies were insufficient, why did not the noble lord say so, and propose those that might be more effectual? He deprecated the practice of pointing at government as the source of corruption. The effect of exaggerating this evil was, not to allay but to perpetuate the public ferment. An honourable member under the gallery said, that the people had a right to suspect government; another honourable member blamed the whole frame of the government; and to this Committee it was proposed that the task should be delegated, of inquiring into the whole frame of that government; of inquiring into the conduct of every man who was engaged in any one of its departments. This important investigation was to be made, not by the House itself, but by a Committee. A Committee! If ever there was an instance

in which a mighty labour was to be executed by a diminutive power, it was this. He must reclaim from the Committee a task so much exceeding its powers. He could not conceive for what rational or practical purpose this motion was brought forward. Was there no mischief in keeping a persuasion alive in the public mind, that it was the opinion of impartial men in that House, that so much rottenness and corruption existed in every part of the state, as rendered such an inquiry necessary? The motion held out no hope of immediate advantage to the people; but it held out the whole cast and class of public men to suspicion. They were all represented as eagerly struggling for places and power, and as having nothing in view but the emoluments of office. The emoluments of office! If there be any man who considered the labours of an official situation, the duties that were to be performed, the anxieties that were undergone, the warfare which a public man had to support, not only in that House, but from the malignity which assailed him out of it, and could think that these things were to be compensated by money, he did not envy such a man his feelings or frame of mind. If there was any man who could think so, it was to him a subject not of regret, but of pride, to be the object of the suspicion of a such a man. The noble lord and his abettors might succeed in fixing this imputation on public men, and driving them from power; in rendering them a degraded class, that he and those who support him might succeed to that ruin and degradation. He could not agree in this wide-wasting motion, without admitting the truth of assertions, for which he was persuaded there was no foundation.

Lord Henry Petty said, he had been mistaken in one point by the right honourable gentleman who just sat down. In every sentence of the latter part of his speech he entirely agreed. He never charged the administration with screening abuses.

Lord Folkestone said, that it was by no means his intention to bring forward charges against the whole system of the government. The words of his motion could not be so interpreted. The motion he had made naturally arose out the order of the day, which was to take the evidence on the charges against the Duke of York into further consideration.

The House then divided:

For the motion	30
Against it	178
Majority	148

The other orders of the day were then disposed of. Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 18.

EQUALISATION OF CURRENCY IN GREAT BRITAIN AND IRELAND.

Mr. Parnell rose, pursuant to his notice, to move for a Committee of the whole House, to take into its consideration the report of a Committee of that House in the session of 1804, respecting the state of the currency in Ireland. His object was, if that motion should be agreed to in the Committee, to move, that it is now expedient that the standard coin of the united kingdom should bear the same value in all parts of the kingdom as it does now in England. The distinction between the currency of Great Britain and Ireland was productive of many inconveniencies, both as it gave to their intercourse a character which ought only to belong to foreign nations, and prevented that complete identity, and unison of habits and interests, which it must have been the object of those who supported the union between the two countries to establish. Another inconvenience resulting from this distinction was, that whilst it was suffered to exist, it was impossible that trade could flourish, in consequence of the pecuniary difficulties that must constantly arise from the operation that is at present necessary to convert a sum of the currency of one country into an equivalent sum of the currency of the other. But the great inconvenience was, the course of exchange, and the fluctuation of that course of exchange which this distinction of currency gave birth to. It appeared to him, therefore, that if this distinction were removed, and a common circulating medium established for the two countries, that the course of exchange would be altogether done away. The par of exchange, according to the present difference of currency, was that every 100*l.* English currency was equi-

valent to 108*l.* 6*s.* 8*d.* Irish currency. Yet, though the par of exchange was 8 and 13*d.* per cent. Irish currency, the actual rate of exchange had been, in 1800, seventeen, and was at present but seven, being a loss of nine per cent. against Ireland in the former case, and an advantage of one and a third in favour of Ireland at present. Circumstances were now, therefore, most favourable for the plan of equalization which he meant to propose. The way to get rid of the exchange, appeared to him to be, to increase the means of remittance for merchants, either by making Bank of England paper a legal tender in Ireland equally with Irish bank paper, or enabling the merchant to convert Irish into English bank paper; and, in this respect, to place the intercourse between Ireland and England, as to pecuniary transactions, on the same footing as the intercourse between the different parts of England and London. The bank of Ireland, he was sure, though he was aware that it could not be compelled, would afford every facility to the plan, not only upon grounds of public, but considerations of private interest. Scotland was exactly circumstanced in 1763, as Ireland is at present with respect to England, and by the adoption of measures similar to those he had to propose, had reduced the rate of exchange to par, and kept it down ever since. He would recommend, therefore, that bank of England notes should be made as legal a tender in Ireland, as bank of Ireland notes; and that would be sufficient, without making bank of Ireland notes reciprocally a legal tender in England, to do away the exchange, if the regulation were to accompany an equalization of the currency of the two countries. The example of Scotland proved it. If the measure had been resorted to in 1805, it might have been attended with less difficulty; but as a new coinage had since been issued with a different device from the English coin, that circumstance opposed some impediment in the way of the plan. What he had to propose then was, that a new coinage, with one uniform device, should be issued, and when that should be prepared, that the present coin should be called in. By a paper upon the table, it appeared, that the expense of coining 600 tons of copper by Mr. Bolton was 41,336*l.* being at the rate of 22*l.* per ton for the pence, and 49*l.* per ton for the

halfpence and farthings. The loss upon the re-coinage of the whole would not exceed 15 or 20,000*l*; a sum that could never be an object where so great a benefit was to be accomplished. He proposed also, that a general silver coinage should be issued for the whole of the united kingdom. A proclamation from his majesty would be sufficient thus far; but in aid of this it would be necessary to have an act of the legislature directing that all contracts made previous to the proclamation should be taken, unless the contrary was expressed, to be in Irish currency, and all contracts subsequent to it should be taken to be in English currency. The honourable gentleman then stated the conviction he felt of its utility, and of the present being the most favourable moment for bringing forward his plan, as the only ground upon which he submitted this subject to the consideration of the House, and concluded by moving, that the said report be entered as read, and that the House resolve itself into a Committee of the whole House to consider of that report.

Mr. Foster agreed with his honourable friend, that it would be desirable to equalize the currency of the two countries, but did not think that the plan he had offered contained any practicable mode of accomplishing that object. How was the bank of Ireland to obtain bank of England notes, and if it could, how was it to keep a stock of them to answer the demand? Neither bank of Ireland nor bank of England was a legal tender, and he was convinced it would be a very dangerous stretch of the power of parliament to give such a character to any paper. There was at present a currency in Ireland fully sufficient for its wants, and with which the country was very well satisfied. The amount of bank tokens in circulation there amounted to 1,200,000*l*.; 200,000*l*. of which were issued on the credit of the bank of Ireland, and a million issued by the bank on account of the Irish treasury. The whole of this currency was issued in pieces not being aliquot parts of any coins in circulation in this country, but calculated in proportions bearing that relation to the Irish pound. The honourable gentleman proposed that the whole of this should be called in, and a new silver coinage issued for the whole kingdom. The circulation of silver in England could not be less than four millions sterling, whilst that in Ireland was proved

by experience to amount to twelve hundred thousand pounds. The effect of going into the Committee upon such a proposition, would depreciate the value of the bank tokens, in Ireland, as that country could not expect to have the new coinage issued for its use, until this country should be served; great inconvenience would consequently be the result. Though he admitted how desirable it would be to accomplish the equalization of the currency of the two countries, yet as he did not think it practicable at the present, he must oppose the motion of his honourable friend for going into the Committee.

Mr. O'Hara, Mr. Henry Thornton, Mr. Ponsonby, and Mr. Davies Giddy, severally expressed their doubts of the practicability of the plan proposed by the honourable gentleman, when Mr. Parnell made a short reply, in which he stated, with a view to set himself right with the House and his country, that it was from an unintentional omission that he had not stated his view, with respect to calling in the silver currency in Ireland, to have been the same he had stated with regard to the copper coin, namely, that it should not be called in, by proclamation, till the new coinage should be ready to be issued to replace it. The motion was then put, and negatived without a division.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 19.

The Earl of Liverpool laid on the table the copy of a letter from the Junta of Galicia to Captain Kennedy. He at the same time observed, that there would be found, among the papers on the table, a document that would probably supersede the necessity of a motion, of which a noble baron (Lord Carysfort) had given notice. It was a letter from the Secretary of State for the foreign department to Mr. Frere, respecting the conduct of which he was to observe to Sir John Moore. It was dated the 6th October, and contained all the instructions that had been transmitted to Mr. Frere on that subject.

Lord Auckland moved for a return of the number of deserters which had joined the British army during the time they were in Spain and Portugal. He understood it was considerable, and, if brought into account, would shew that our loss was greater in the late campaign, than it appeared from the returns on the table.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 19.

Mr. H. Martin put a question to the Secretary at War, respecting some extraordinary charges in the extras of the year, which he hoped he would consider, as it would be made the subject of future parliamentary inquiry.

The House then resolved itself into a Committee on the bankrupts' bill.

BANKRUPTS' BILL.

The House having, on the motion of Sir S. Romilly, resolved itself into a Committee on the bankrupts' laws amendment bill, Mr. Wharton in the chair.

Sir S. Romilly, in order to obviate an objection, which he understood was to be made to the clause for allowing bankrupts who may have obtained their certificates to be witnesses, without any release of their allowances, in cases where their assignees were claimants, proposed an amendment, to provide that bankrupts were not to be allowed to be admitted as witnesses under this act, but in such cases wherein they may by law be competent witnesses before the passing of this act.

The effect of this amendment was to allow bankrupts to be witnesses upon releasing their interest in the particular matter in issue, without a general release of their allowances upon the other property assigned under the commission.

A long discussion ensued both on the clause and the amendment, in which the Attorney and Solicitor General, and Mr. Davies Giddy, expressed strong doubts of the propriety of making any inroad upon the law and rules of evidence as they exist at this moment; and Sir Samuel Romilly, Mr. Stephen, Mr. Jacob, Mr. Morris, and Sir Charles Price, argued, in substance, that it was desirable to adopt the clause thus amended, in order to do away the practice of giving nominal releases by fictitious instruments which were afterwards to be concealed, and to prevent, if the release were real, the bankrupt from being obliged to give all he would in that case possess in the world, for the purpose of becoming a competent witness. The amendment was, however, in the end agreed to, and the clause so amended retained as a part of the bill.

On the clause for requiring creditors to release all right of action, on proving their debt under a commission of bankruptcy, the Attorney General stated that he had some objections to this clause, but should wave them, as he understood that his honourable and learned friend intended to obviate them by a clause, which would provide against a creditor's releasing his right of action against a third party, where he had such right, as well as such bankrupt, and to prevent the creditor from releasing his right of action against the future effects of a bankrupt, whose dividends under a second commission of bankruptcy should not amount to fifteen shillings in the pound.

On the clause for authorising the Lord Chancellor, or the Lord Keeper of the Great Seal, for the time being, to direct notices, other than personal notices, to be served upon creditors in England and Ireland reciprocally, upon appeals by petition on the part of a bankrupt, to whom his creditors should after two years continue to refuse his certificate, a member took some trifling objections, which, after a few observations from Sir Samuel Romilly and the Solicitor General, were over-ruled, Sir Samuel Romilly having previously stated his intention to bring in a clause, after the bill should be gone through, providing that in all such cases such other notice should under English commissions be given in the Dublin Gazette to Irish creditors, and under Irish commissions of bankruptcy to English creditors in the London Gazette.

On the clause giving to the Lord Chancellor or the Lord Keeper of the Great Seal the power to grant a certificate on such appeal by the bankrupt, if the certificate should appear to have been withheld by the creditors from improper motives, another long discussion took place, the Attorney General and Mr. Jacob contending that it was more fit that the power of granting or withholding the certificate should be vested in the creditors or in some proportion of them, than in any other tribunal, because the creditors must be the best judges whether the bankruptcy was fraudulent, though it might not at all times be in their power to prove the grounds upon which they were of this opinion, on an appeal by the bankrupt to the Chancellor. Whilst, on the other hand, it was most strenuously contended by Mr. Abercromby, that this was the most beneficial clause in the bill, because no certificate would be granted upon an appeal, unless it should appear to the

Lord Chancellor that the creditors have no good ground for withholding it; and it appeared from an account on the table, that out of 16,000 persons, who had been bankrupt within the last twenty years, 6,500 were uncertificated, and could never acquire any property for themselves or their families, unless this clause should be enacted to place them within the reach of relief.

Mr. Stephen contended that the great proportion of uncertificated bankrupts being three-eighths of the whole number, proved that the interference of Parliament was necessary. This proportion was much the greatest in years of unexampled misfortune; and this circumstance went strongly to prove, that it was not merely the dishonesty of debtors, but their misfortunes, which were punished by stopping their certificates.

The Solicitor General, in a speech of considerable length, contended that it was better that, according to the law as it now stands, the bankrupt's certificate should depend on the judgment of the creditors than of the Lord Chancellor. He cited to this effect the opinions of Lord Thurlow, Lord Rosslyn, and Lord Clare, who had been all of them chancellors. He thought that in this bill humanity appeared to be confined to the bankrupts, and that the sufferings of the creditors had not been sufficiently attended to. If, however, the clause should be rejected, he would move that instead of four-fifths of the creditors, three-fourths of the creditors, and of those only who had released the person of the bankrupt, should be sufficient for signing the certificate.

Sir Samuel Romilly said, that the right honourable gentleman had misstated what Lord Eldon had said about the opinions of Lords Thurlow, Rosslyn, and Clare. What they had said was, that it would be dangerous to leave the determinatinn of the certificate entirely to the Chancellor. The present clause, however, did not such thing: it only empowered the Chancellor to interfere if he thought proper, upon a petition presented by a bankrupt who had been two years without his certificate. Now, as to fraudulent bankrupts, all those who had any experience in the court of chancery knew that they obtained their certificate easier than the honest bankrupts. Fraudulent bankrupts always contrived to have false debts proved, in order to get themselves *whitewashed*, according to the common phrase. Their bankruptcies were for the purpose of gaining their certificates; whereas honest bankrupts had much

oftener to endure the severity of the laws from the obstinacy or caprice of some one creditor. He allowed the people of England and the merchants of England were generally humane; but often great cruelties were practised, which the law should prevent. To say, that from the humanity of the English character these cruelties were not common, was in fact to say nothing. Neither were murders common, but that was no reason that there should not be laws against them. He could state one instance of cruelty to a bankrupt which came within his own knowledge. A bankrupt had been arrested at the suit of a house in the city, and one of the partners of that house was chosen the assignee. This assignee delayed for three years to make any sort of dividend, in order that the house might not be obliged to make its election about proving under the commission. At the end of three years, however, he was obliged to make a dividend, but he then divided his debt, proving only one-half. This creditor had frequently been heard to declare, that the bankrupt should never go out of jail except to his grave, and his threat was accomplished. It having been stated to the Chancellor, that the bankrupt could not live more than two or three weeks longer in confinement, he appointed an early day to hear his petition; but though the decree was in favour of the bankrupt, the assignee contrived to have another detainer laid upon him, which gave rise to a more protracted litigation, and his debtor never did leave the jail but for his grave; and there was no doubt but the death of the bankrupt was owing to the obduracy of the creditor. He did not say that such cases were common, but that they should not be allowed to exist. The life of an honest man or his perpetual imprisonment, should not depend upon the caprice of partial judges, after the bankrupt had fairly surrendered his effects.

Mr. Wilson said he was rather anxious not to admit this clause than to dispute it; but till he could put the bankrupt law on a footing which should protect the fair trader, he could not agree to adopt the clause.

The clause was then agreed to.

Several new clauses were afterwards brought up by Sir Samuel Romilly and the Solicitor General, and agreed to. The House resumed; the report was received.—Ordered to be taken into further consideration this day se'nnight, and the bill, with the amendments, to be printed.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 20.

DANIEL BUTLER.

Sir Charles Hamilton presented a petition from Daniel Butler, the sheriff's officer, by whom he had been arrested, and who had been confined in Newgate, in consequence of such a breach of the privileges of parliament. The petition stated "his great contrition for such an offence, which offence he had committed under a mistake, and which he would never have committed wilfully, knowing well how members of parliament are privileged; that he had a wife and seven children depending on his exertions, and that he had been in office for ten years, and had conducted himself blamelessly. On these considerations he prayed for a release from his confinement."

Sir Charles Hamilton moved, that he be brought to the bar of the House to-morrow, for the purpose of being discharged.—Agreed to.

PAPERS RELATIVE TO THE ARMISTICE IN PORTUGAL.

Mr. Yorke rose, for the purpose of making his promised motion, relative to the convention and armistice in Portugal. He wished particularly to call the attention of the House to some political circumstances, by which it would appear, that some opinions of General Bernardine Freire, with respect to the armistice concluded in Portugal, coming to this country before the dispatches of Sir Hew Dalrymple, had tended to prejudice the public mind against that officer. A plain statement of the circumstances would tend to shew things in, perhaps, their proper colours. Sir Hew Dalrymple, it appears, landed in Portugal the day after the battle of Vimiera, and had proceeded not from England, where he might obtain exact information in every point of view, but from Gibraltar, where he must necessarily have been uninformed. He had not been in the country above an hour and a half, when General Kellerman arrived with a flag of truce; in this situation, he of course was under the necessity of being completely guided and governed by the officers whom he found on the spot; he then, under their guidance, concluded an armistice, with a view to negotiate a convention, and a copy of this armistice he communicated

to General Friere, for the purpose of ascertaining his sentiments upon it. What was the consequence of this highly politic step? Why, General Friere, to whom Sir Hew Dalrymple had sent the armistice, in order to profit by his judgment on it, immediately wrote off to ministers here the most unfounded comments concerning it!—This was made public here, and tended very much to inflame the public mind against Sir Hew Dalrymple. He therefore thought it now material that his own letter on the subject to Lord Castlereagh should be laid before the House. Sir Hew Dalrymple had not thought proper to avail himself of these papers before the court of inquiry, because they were of a political nature, and the court had been instituted for purposes merely military. In justice then to the character of that officer, he hoped these documents would be now produced, from whence he was likely to acquire some advantage. The only representation which had been made to our generals in Portugal, by the Portuguese generals upon the subject, was a letter from the Bishop of Oporto to Sir Arthur Wellesley; and this communication was made some days after even the convention had been signed. He would be one of the last men in the House to move for any papers by the production of which government might be in the least degree embarrassed; he trusted there would be no objection on their part to comply with his present motion. He was of opinion, that the conduct of Sir Hew Dalrymple had been much misunderstood, and he would ask whether it would be candid in the House to refuse him a justification. He had met a most severe censure—a censure, too, which perhaps those who gave it did not justly estimate; for the peculiar hardships attending our generals and our army, whenever they were employed in a foreign country, from their inferior state of equipment to that of a continential force. The heroic spirit of our army was almost proverbial, and those who condemned our officers on slight grounds, condemnations eagerly echoed by a venal press, ought to be severely reprehended. He would appeal to the case of Sir Robert Calder, who, after much service and splendid victories, had been very hardly treated. He then moved,

"That an humble address be presented to his majesty, that he would be pleased to order that extracts or copies of the letter, dated the 23d of December, from Sir Hew

Dalrymple to Lord Castlereagh, and the enclosures as far as related to the representations of the Portugese generals with respect to the armistice with the Portuguese ambassador in London; and that the communication with Sir Arthur Wellesley on the 22d of August, concerning the convention, should be laid before the House, together with the answer of Lord Castlereagh, as far as they would not prove detrimental to the public service."

Lord Castlereagh opposed the motion, on the ground that he had left it to the discretion of Sir Hew Dalrymple, whether or not he would have those papers produced at the board of inquiry, which he declined. He was not aware that any impression had been made on the public mind adverse to the officer in question, or that it would be of such importance to his character, as the right honourable gentleman seemed to think, to have these papers made public. Of this he was certain, that every representation which could be favourable to Sir Hew Dalrymple, had been laid before his majesty before the final decision.

General Tarleton entered into a detail of the Portuguese campaign, and severely reprobated the convention of Cintra. He regretted that the motion was opposed, because, perhaps, if the papers had been granted, the right honourable gentleman would have made them the foundation of a motion, on which subject he would be ready to meet him.

Lord Ossulston generally differed from the honourable mover on the subject of the convention of Cintra, which he did not consider as at all honourable or advantageous to the country. He often found it the case that where men very strenuously upon all occasions stood up for the royal prerogative, they were very little interested in the honour of the country.

Mr. Yorke rose in some warmth to repel the insinuations of the noble lord; he had held a seat in that House much longer than the noble lord, and was as warmly interested both for the country and constitution. He had been educated in the principles of the old whig school, and was as zealously attached to the interests of the people as the noble lord, or any of his ancestors.

The motion was then put, and negatived.

Mr. Yorke then moved, that the copy of a letter, dated September 8, 1808, containing an account of the number

of transports employed in carrying the French troops from Lisbon, should be laid before the House.—Agreed to.

SPANISH TREATY.

Mr. Ponsonby said, there was a point in the treaty with Spain which he wished the honourable secretary opposite to explain, because, as it appeared to him, it was ambiguous, and admitted of either of two constructions. The passage he alluded to, was that in which we bound ourselves to acknowledge no king of Spain but Ferdinand, or such lawful successor as the Spanish nation would approve. Now this might be understood to mean, first, either that the king would acknowledge none but the heir lineal of Ferdinand, or, secondly, any one, no matter whom, the Spanish nation would adopt.

Mr. Canning agreed that, as long as the treaty lasted, we were to acknowledge no king of Spain but Ferdinand VII. But Ferdinand was now in the power of the court of France, and it was therefore necessary, in case of any unforeseen contingency, to provide for the succession so far as it regarded us. Now on the demise of Ferdinand without heirs, he understood there would exist a divided claim to the throne, which the Spanish jurists thought ambiguous. In this, of course, it would not become us to decide or interfere; and therefore it was that the provision in the treaty had been introduced, which rendered it necessary that the legitimacy should be qualified by the acknowledgment of the nation. As to any apprehended usurpation of France, the whole basis of the treaty rested upon the hostility of Spain to that country; when which hostility ceased, the treaty instantly became a nullity.

Mr. Ponsonby felt gratified by the clearness of the explanation. He had not been aware of the possibility of a divided claim to the throne. The next question he would ask related to the very extraordinary message of Mr. Frere to Sir John Moore, in which he desired that general to call a council of war, in order that the messenger might be examined as to the politic course of the future operations of the British army.—Now that Mr. Frere, who was himself in a civil capacity, attempted to send such a message to a general, directing him what course to pursue with respect to the troops under his command, was one of the most extraordinary proceedings he had ever heard of! It was——

Mr. Canning rose to order. It was customary when any member asked a question, to ask it merely, and not to enter into any statement. In this case he hoped the right honourable gentleman would not proceed, as from his intimate connection with Mr. Frere, he might be led into an equally disorderly line of conduct in his reply.

Mr. Ponsonby acknowledged his error. He wished then to know who the messenger was, and what the nature of his message was?

Mr. Canning really *could* not answer the latter part of the question; he must *decline* answering the former part. The messenger was not however sent from authority, but merely sent that his testimony might be profited by.

Mr. Whitbread would be glad to know, from the right honourable Secretary of State, whether the messenger sent by Mr. Frere to Sir John Moore, was a Frenchman or an Englishman; and also, whether the further continuance in office of Mr. Frere was attended by ministers?

Mr. Canning said, he must decline answering either of those questions.

Mr. Whitbread said, he had asked the last question because he had it in contemplation to offer a motion to the House for the removal of Mr. Frere.

Colonel Wood, supposing that the letter from Mr. Frere to Sir John Moore was in answer to one from that general, wished to know whether there would be any objection to the production of that letter.

Mr. Secretary Canning replied, that all the correspondence between Sir John Moore and Mr. Frere, that had reached his office, was either in copies or extracts before the House. He took that opportunity of moving that there be laid before the House copies of all the notes which had been exchanged between the Spanish minister and the Secretary of State relative to certain articles of the Spanish treaty.—Ordered.

GRANT OF LAND AT CHELSEA TO COLONEL GORDON.

Mr. Hutchison rose for the purpose of moving, that there be laid before the House some papers, in addition to those ordered on Friday last, relative to the land granted at Chelsea to Colonel Gordon, in order to enable the House to judge more satisfactorily of the nature and circumstances of that transaction. He had already in a former debate stated, that the condition of the grant to Colonel

Gordon was, that no buildings should be erected on the land which could interfere with Chelsea Hospital. But having heard in that instance from two honourable baronets (Sir Francis Burdett and Sir Oswald Mosely) who had personally surveyed the premises, that the buildings in contemplation there would interfere with the infirmary for the hospital, he thought it his duty to go the next day to inspect the ground and ascertain that fact. On inspection, he did find that the erection of a building, in the situation where the foundation was preparing, would interfere with the infirmary, and consequently would be a violation, or rather a departure from the condition of the grant. In the evening he communicated this circumstance to his right honourable friend (the Chancellor of the Exchequer), and begged of him to inspect in person the premises; and the consequence was, that on inquiry it was found that the person who had taken possession of the land, and was employed to prepare the foundation for the building, had not consulted either the surveyor-general of crown lands, or the surveyor of Chelsea lands upon the subject. The inquiry had been directed in writing to the surveyor-general of crown lands, and in consequence the situation of the foundation for the building had been altered; so that it appeared by the answer, that a building on the now intended foundation, would not, in the smallest degree, interfere with the hospital. The papers he should move for were copies of the letters of George Harrison, Esq to the surveyor-general of crown lands, upon this subject, together with the answers thereto. He should also move for a copy of the report of the two surveyors who valued this land at 55*l.* a year, upon oath, which valuation they still continued to think adequate. When these papers should be before the House, they would clearly shew that it was not the intention of the treasury to grant a favour to any individual, at the expense of the health or comfort of the invalids of the hospital. He concluded by moving that these papers be laid before the House.

On the question being put,

Mr. Maxwell stated, that he had gone to the premises on Friday, in order to view them in person; when he applied for admission he stated that he did not go there from any idle curiosity, but as a member of parliament, wishing to inspect this land, which had been made a sub-

ject of discussion in parliament. He was informed by an old gardener, who had been there for twenty-four years, that he could not let him in; and the workmen to whom he applied also for admission, declared that it was as much as their bread was worth to admit any person. The workmen too were busy in boarding up an iron gate, in order to prevent any one from looking into the interior. He wished therefore to know by whom the order for refusing admission had been given.

Mr. Long, collecting from what had fallen from the honourable member, that he supposed the order of exclusion proceeded from him, begged to assure him that it had not. As chairman of the Chelsea Board, he could state to the House that no complaint had been made to that board of the inconvenience of the building till the day on which this subject had been mentioned in that House by the honourable baronet who had made the motion on the subject. On the morning of that day a complaint had been made to the board, that the building erecting was in a situation not convenient for the hospital; in consequence of which the board adjourned to take a view of the situation, and though some difference of opinion existed, his own feeling was, that it was an improper situation. The physician of the hospital had then been sent to ascertain whether the altered situation would interfere with the hospital. He had but one word more to add, that the state of the infirmary, and the plan according to which it was to be constructed, had been chosen by the medical officers and the governor of the hospital.

Sir Oswald Mosely should have hoped, that all members of that House would have had free access to this land, to take a personal view of it. But many members had gone there on Monday and Tuesday, and had all been excluded, and, as he had heard, by order of the present commander-in-chief. He was happy to hear that the new situation would not interfere with the hospital; but if the right honourable gentlemen opposite were disposed to act with liberality, they would apply the whole of this land, which had been purchased from Lord Yarborough for the hospital, to the use of the hospital, especially as that noble person had sold it on that account for less than he otherwise would have required.

Mr. Huskisson replied, that he had read the whole of

the correspondence between the agents of the treasury and Lord Yarborough, very lately, and assured the honourable baronet that no such consideration as he alluded to existed. Every ingenuity had been exerted to obtain the highest terms for Lord Yarborough; so much so that a case had been submitted to the attorney-general, whether under his lease that noble person could convert the premises into a wharf, by which he could obtain more money for his term. On an opinion being given in the negative, the matter had been referred for arbitration to Mr Copeland, upon whose estimate the bargain had been concluded. He should add, that not one person belonging to the hospital wished for more land, nor even now thought more necessary, than had been appropriated for the use of the infirmary. As to the order of exclusion, he knew nothing of it; he had visited the place himself as any other individual might, and had met no hindrance.

Sir Oswald Mosely insisted that the premises had been purchased for the hospital, though a part had afterwards been given to Colonel Gordon.

The Chancellor of the Exchequer observed, that the premises had been purchased in order that what was necessary might be appropriated to the use of the hospital. The honourable baronet, when he stated that the order for excluding persons from the ground proceeded from the Commander-in-chief, appeared to him to proceed upon supposition, having heard the order disclaimed on the part of the treasury and the pay office. If he could venture, without having any information upon the subject, to make a conjecture, the order had been given by the person having a right to the possession of the ground. If any order had been given to exclude members of parliament, it would have been both improper and foolish. But when it was considered how pointedly public attention had been lately drawn to this piece of land, within a mile and a half of this metropolis, it would be obvious how desirable it must be to keep out the great number of persons who might wish to visit the place. He did not think it expedient that a case of this description should day after day continue to occupy the attention of the House, when the most that could be said in the worst view that could be taken of the case was, that there might have been some irregularity in the inferior agents employed in the progress of the transaction.

General Tarleton observed, that this was only the second time in which this subject had been under discussion. The effect of the first discussion had been that the site of the House had been changed; and the advantage that would result from this second discussion would be, that the bar placed against the admission of members, by some invisible hand, would now be removed. He had heard from the nearest relation of the noble lord, that he wished to get a renewal of his lease, but that ministers refused, and stated, that they wanted the whole for the use of Chelsea Hospital; and a pretty application they had made of the land, in appropriating one quarter of an acre to the hospital, and giving the whole of the remainder to an office not at all connected with it. As our military establishment could not be expected to be diminished, the means of extending the hospital should be kept undiminished. The honourable baronet, who had brought forward this subject, therefore had done well for the public interest. When the papers moved for should be on the table, they would be enabled to look more minutely into the case, and then perhaps it would be necessary to call for the fact, and to examine witnesses at the bar.

Mr. Ponsonby justified his honourable friend (Sir Oswald Moseley) in having stated the report, which he had heard, that the order of exclusion had been given by the Commander-in-chief, which he had done only to give the right honourable gentlemen opposite an opportunity of contradicting the rumour if they could. He had risen, however, to ask whether the grant of Colonel Gordon had been perfected, so as that by law it could not be avoided; because, if so, Colonel Gordon having the right to the land, might still erect his house in the very situation, which, it was allowed on all hands, would be inconvenient for the hospital. (*It was here stated across the table, that the agreement and grant were conditional that no house should be erected in a situation inconvenient to the hospital.*) Well, then, the attempt to erect a building in such a situation was a violation of the condition, and no inquiry had taken place respecting it, until the subject had been brought under the consideration of the House by the honourable baronet, not then in his place. The secretary to the treasury too had stated on a former night, that the whole of the ground was such, that a house could not be

built upon any part of it, except the spot which had been chosen for the intended house; and yet it now appeared that another situation fit for building upon could be found upon the land.

Mr. Huskisson had only stated, that a great part of the ground could not be built upon; he had not, nor could he have said, that it was such that the proposed building might not be removed a little to the right or to the left of the situation first marked out.

Mr. Coleraft felt himself bound in justice to his honourable friend to state, that he went on Tuesday to inspect the ground, and had been refused admittance, and, as he was informed, by order of Colonel Gordon. He rang the bell, when a boy came out and informed him, that he had positive orders from Colonel Gordon, not to admit any person. He then went on to the hospital, in order to get a written order for admission, from some of his friends there. He was not fortunate enough to meet with any of them, but left a note for one, requesting of him to send an order. The answer he received was, that it was not in his power; but, that upon application to Sir David Dundas, he might get an order. It was now said, that in the opinion of the physician and surgeon of the hospital, the former situation was not a proper one; but this was the first time the House had heard of that fact. The right honourable gentleman (Mr. Long) had said, that on the day of the debate upon the subject in that House, a complaint had been made to the Chelsea board against the projected situation of the building; but the right honourable gentleman must remember that a notice had been given of the motion (*it was on that day observed* Mr. Long, *that the complaint was made*), and a notice given in that House the day before the discussion took place, might easily travel to Chelsea, and give rise to the complaint. (*It was on the day of the notice, again said* Mr. Long, *with some earnestness, across the table, that the complaint was made, as will appear from the minutes of the board.*) There certainly could be no ground for the warmth shewn by the right honourable gentleman, his own object having been calmly to state his view of the case.

Mr. C. Wynne did not doubt the statement made by the right honourable gentleman; but he was surprised, if that had been the case, that the circumstance had never been mentioned until this day. If he remembered what

passed on the former occasion, not a word of this had been stated, and he even was persuaded that it had been said that the physician and surgeon of the hospital approved of the site of the House.

Mr. Long contended that he had stated the circumstance, and added that it was the site of the infirmary that was said to have been approved of by the physician and surgeon of the hospital.

Mr. Barham thought, that as many members had been prevented from inspecting this ground, it would be desirable that the House should, on some future day, be made acquainted with the person who had given the order for exclusion: it required explanation, why, when a suspicion had been excited respecting the grant of this land, members had been refused the power of inspecting it; and he trusted that the right honourable gentleman (Mr. Long) would inquire into the matter, and communicate it to the House on some future day.

The papers were then ordered, and Mr. Hankinson presented them from the bar; when they were ordered to lie on the table, and to be printed.

Ordered on the motion of Mr. C. W. Wynne, that there be laid before the House, a return of the number of men recruited by the British army in Spain and Portugal.

GENERAL CLAVERING.

Sir Thomas Turton, in rising to make the motion of which he had given notice, was aware of the difficulty in which he was placed by the late proceeding in that House respecting General Clavering. If he were not convinced of the importance of the question, not only to the justice of that House, but to the liberty of the subject, he should be the last man to appeal to the magnanimity of parliament, or claim its indulgence for a proposition for altering a former decision. In doing this, however, he was solely actuated by a regard to justice, and for the character of that House, as he was wholly unacquainted with the connections of the gallant officer to whose case he was to refer. The honourable baronet then proceeded to state, that if he had been present at the discussion, he should have employed his humble efforts, though he durst not flatter himself he should been successful, to dissuade the House from the decision it had come to. He then contended that prevarication could not apply to the evidence

given by that officer, and was proceeding to an examination of the evidence in the printed minutes, in order to establish that point, when

Mr. Whitbread called the honourable baronet to order, as he understood his object to be to induce the House to reverse a solemn decision it had come to in this session, in the same session, which was contrary to the usage of parliament.

The Speaker decided, that if the motion of the honourable baronet was to call upon the House to rejudge what it had already adjudged this session, it was inconsistent with the practice of that House to entertain it. It would be for the honourable baronet to state whether such was his object.

Sir Thomas Turton, after several ineffectual attempts to establish the regularity of the course he proposed, and upon being distinctly informed from the chair that it was highly irregular, was at length induced to wave his motion altogether.

BILL TO PREVENT THE SALE OF PLACES.

The Chancellor of the Exchequer moved the order of the day for the second reading of the bill for preventing the sale of places.

On the question being put,

Lord *Folkestone* had a few words to say on the subject. He observed, that these sort of preventive bills very rarely did any good. As long as temptations were suffered to remain, offences would be committed. Notwithstanding the provisions of such bills, the ingenuity of offenders would continue to evade them, at a little more expense or trouble. If the inquiry he had proposed a few nights since had been gone into, there would have been no occasion for the present measure. As to the offices connected with the courts of law, he found they had been for a long time regularly bought and sold, but he could see no reason why this practice should be suffered to continue. There was another omission, however, in the act, which appeared to him of more material moment. The attention of the House had been much fixed to East India writerships and cadetships; but there was another thing of much more consequence which had not been noticed. It was most notorious that there was a traffic for other places, and also for seats in parliament.—(*Hear, hear!*)—This was a

thing most contrary to every idea of the constitution, and yet it was most notorious; and as it was most notorious, he thought the right honourable gentleman would do well to introduce a clause in his bill to prevent trafficing for seats in parliament. The treasury was the place where this traffic went on to the greatest and most corrupt extent. The secretary of the treasury was generally the agent in all those transactions on the part of the government.

Hear, hear! If gentlemen meant by this cheering to imply a doubt of his statement, he should be very happy to be allowed a Committee to examine into the fact. At every dissolution of parliament there was an office open at the treasury, where the friends of administration stated their terms, and where persons made their bargains on different terms, according to the abilities with which they were supposed capable of supporting the government. This was his firm belief, and he believed it was also the belief of the public. He thought the House should correct abuses of this magnitude, at the same time that they were passing a bill with respect to minor offences.

Mr. Banks observed, that as to the abuses in the East India Company, he, as chairman of the Committee appointed for the consideration of that subject, had brought down a recommendation to the House, that it was not necessary to pass any specific legislative measure on the subject. Although the system of the government of this country changed with the hands to whom it was confided, it was not so with the East India Company. One of their regulations was, that at any distance of time, an appointment obtained corruptly would be set aside. He conceived that the present bill must be useful, as rendering this sort of corruption more difficult than it was before.

Mr. Creevey said, that the noble lord was perfectly correct in stating, that seats in parliament had been notoriously bought and sold by the treasury. He would say, that this was not only his belief, but that it was within his knowledge. The treasury not only openly bought and sold those seats, but they kept in a great degree the monopoly of that market. If this was attempted to be denied by ministers, he should be glad to have the opportunity of proving it, and he could easily prove it from the lips of any one who had ever been secretary of the treasury. It was absolute nonsense and delusion on the public, for the House to spend their time in considering

ing abuses in the commissioners of the lottery, and every other minor department, when they knew, and when the public knew, that the greatest of all abuses was constantly practised by every secretary of the treasury, in buying and selling seats in parliament. To talk of a dissolution of parliament as an appeal to the people was mere mockery and imposition. It was perfectly well known that a dissolution of parliament was not an appeal to the people, but to the treasury. *(Hear, hear!)* Although he had great respect for the last government, and owed some personal favours to them, yet he must say, that their dissolution of parliament, at the end of four years, like the dissolution by the present ministers, at the end of about four months, was not an appeal to the people but to the treasury. *(Loud cries of hear, hear!)* Until the House was disposed to suppress this odious and unconstitutional traffic, the legislating on these minor abuses was mere mockery and delusion.

The Chancellor of the Exchequer said, he was happy to find that the noble lord (Lord Folkestone) had attributed whatever there was of obscurity in this bill to the desire of making it as comprehensive as possible. He was also glad that the noble lord had admitted that the bill would render the commission of these offences more difficult in future. As to the purchase and sale of places, connected with the courts of justice, that had prevailed from very remote times, but he believed that it would not be said that the practice at all interfered with the purity of the administration of justice. As to what had been suggested with respect to the prevention of the traffic for seats in parliament, this would be a matter which might fairly be stated when the bill should come into a committee. If the noble lord or honourable gentleman would then bring forward any proposition of that sort, the House would be very ready to take it into their consideration. The noble lord had stated his firm belief of the existence of such transactions, and the honourable gentleman had gone further, and stated, that it was within his absolute knowledge. The honourable gentleman, to be sure, might have some knowledge from the confidence which was reposed in him by the late administration, with whom he was connected.—*(Loud cries of hear, hear!)* He could not recollect, however, that that honourable gentleman (Mr. Creevey) had, at the time when a speci-

fic charge was brought against a secretary of the treasury for such interference given the House the benefit of his knowledge. The House would perceive, that the case he alluded to was when a charge was brought against a Secretary of the Treasury (Mr. Fremantle), for interference in the election of Hampshire, where he was undoubtedly a freeholder. The honourable gentleman did not then tell the House a word of that practice which was within his own knowledge, of secretaries of the treasury corruptly interfering in the election of members of parliament. When he had that knowledge, how did it happen that his patriotism was asleep on that remarkable occasion?—(*Hear, hear!*) If he would, however, then bring forward impartially those specific cases that were within his own knowledge, he would probably find the House very ready to attend to them.

Mr. Creevey, in explanation, said, that what he had stated was not as a charge against any particular administration, but a mere matter of fact. The knowledge which he spoke of by no means proceeded from any confidence which had been reposed in him by his friends.

Mr. Whitbread said, that he was happy that the suggestions of his noble and honourable friends appeared to be received with so much cordiality by the right honourable gentleman (the Chancellor of the Exchequer) and that it seemed to be admitted that the practice of trafficking for seats in parliament was a thing which ought not to be tolerated. He supposed that when the right honourable gentleman (the Chancellor of the Exchequer) called upon an honourable friend of his (Mr. Creevey), to bring one set of cases before the House, he was also ready to practice that impartiality which he recommended, and bring forward those cases which were within his knowledge. (*Hear, hear!*) It was nonsense to pretend to be ignorant of those abuses. What member of parliament was there that did not know that such things were done? Did not he know, did not the right honourable gentleman know, did not every body in the House know, that there were many members who sat there, that were representatives of nothing but their own money? (*Loud cries of hear, hear! from the opposition benches.*) And it was also known that many who had paid their money for their seats still felt themselves dependent on other men, and if they differed from them felt those qualms of conscience or of

honour which made them vacate both the seat and the money they had paid for it. It was not certainly any charge against the present administration to state those things, for the charge applied as well to him and to every other member of the House, who had long known that those things were done, and yet never brought it forward to parliament in a proper shape. As to the case of the Hampshire election, the right honourable gentleman (the Chancellor of the Exchequer) happened about that time, for a very short portion of his life, to be in a minority. He (Mr. Whitbread) had been for nineteen years generally in a minority, and therefore he was very apt to think minorities right; but the right honourable gentleman who had been so seldom in a minority in that House, should rather be inclined to suspect that he was wrong when he acted so contrary to his usual practice. Without, however, meaning to arraign any particular secretary of the treasury, he would state generally, that under the present system, all secretaries of the treasury find themselves under the necessity of acting in this manner, and that there is always an open market at the treasury for bargains of this nature. If, however, the House was disposed to make it a misdemeanour to traffic for East India writerships and cadetships, they should certainly take some notice of a traffic which was equally as notorious, but more scandalous and unconstitutional. If the right honourable gentleman would appeal to his noble neighbour (Lord Castlereagh), that noble lord would inform him, that in Ireland, about a million and a half had been paid for the purchase of boroughs, which was a decisive proof that those things were considered as money's worth, as a marketable commodity. It was impossible for him not to know that the practice which had prevailed to such an extent in a neighbouring kingdom, also prevailed in this country. If this practice was not destroyed, it would in the end destroy us. As to the sale of judicial situations, he did not pretend to say that it effected the purity of the administration, but he would still say that it was an anomaly, which should be removed. It would be easy to place the fees of their offices in a general fund, for increasing the salaries of the judges. He agreed perfectly with his honourable friend (Mr. Creevey) that a dissolution of parliament, was not an appeal to the people but to the treasury. On the last dissolution ministers endea-

sorted to set the people mad, and then talked of appealing to their sense. The sense of the people had certainly some slight influence at a general election, but the great preponderating influence was the influence of the treasury.

Mr. Wynne approved of the principle of abolishing the sale of judicial offices in the manner stated by his honourable friend (Mr. Whitbread). He could not, however, approve of the conduct of the East India Company in dismissing persons who had served them long and well, if it should be discovered that any thing of money considerations had passed at their original appointment, although entirely without their knowledge or privity.

Mr. H. Thornton said, that the Committee of finance had first suggested the abolition of the sale of judicial places, precisely in the manner mentioned by the honourable member (Mr. Whitbread). In their report, they had recommended the applying the fees of these offices to a fund to remunerate the judges for any loss they might sustain.

The bill was then read a second time, and ordered to be committed on Tuesday se'nnight.

The militia completion bill was reported, the amendments agreed to, and some additional clauses being added on the motion of Lord Castlereagh, the bill was ordered to be engrossed, and read the third time to-morrow.

The local militia bill was disposed of in like manner.

Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 21.

The Earl of Liverpool laid on the table an account of the number of men recruited in Spain and Portugal.

Some conversation took place, between the noble earl and Lord Auckland on the subject of the losses sustained by the British army during the time it was in the peninsula, which they at length agreed in fixing at about 7200 men.

PENAL STATUTES.

Lord Grenville having observed at some length on the slovenly manner in which bills, and particularly such as related to the collection of the revenue, were drawn up, in which men were often collaterally subjected to capital

[illegible] moved that the judges should be ordered to collect all such precedents under one head, and report the same to the House.—Ordered.

CAMPAIGN IN SPAIN AND PORTUGAL.

The order of the day for summoning their lordships having been read,

Earl Grey rose, for the purpose, he said, of submitting to their lordships the motion of which he had given notice. In bringing this important subject under consideration, he would be under the necessity of going into many details with which they were previously acquainted. He felt all the difficulty of the task he had engaged in, and at the very outset he saw that he had considerable impediments to surmount. The papers on the table were so voluminous, that they seemed to have been introduced for the purpose of confounding the subject. He would therefore be obliged to solicit a more than usual portion of their lordships' attention, while he executed a duty which he lamented had not fallen into abler hands. Unequal as he was to the task, he would, however, encounter it, for he felt it to be a duty that he owed his country at this most perilous crisis of her fate. Their lordships would, no doubt, all recollect the strong sensation that was created in this country, when the intelligence first arrived of the resistance of the Spanish nation to the most violent and unjust usurpation of which the records of daring and unprincipled ambition furnished an example. The sensation was great and general. The feelings of the Spanish nation became the feelings of the people of England, without distinction of rank or party. A liberal confidence was given to ministers, on this most important and unlooked for occasion. Every thing was granted to them, under a responsibility that the means which were placed in their power would be wisely and effectively employed. What the country, therefore, had a right to expect of ministers was, first, that they should have satisfactory information of the determination and capability to resist in the Spanish nation; and, secondly, that having obtained such information, their assistance, if necessary, should be prompt, vigorous, and effectual; that their means should be proportioned to the great end they had in view; and

that they should, above all, proceed with a happy union of energy and caution. He would acknowledge, that the situation of ministers on this occasion was one of much difficult; that they did not, as was said on another occasion, repose on a bed of roses; but, arduous as it was, they were in possession of means equal to the magnitude of any undertaking that might arise from it. He felt no disposition to undervalue the resources of the country. There was no reason why he should do so. After the losses of the late campaign, great as they were in blood, and in treasure, and above all in glory, he was still confident that the resources of the country, if wisely and providentially administered, were equal to the unexampled difficulty and danger of the crisis, and sufficient to secure an honourable termination of the contest in which we were engaged. But to attain so desirable an end, these resources, supplied with so much liberality and confidence, must not be wasted in idle or ill-considered enterprises. They must be reserved for great occasions, when there was a prospect of employing them advantageously and effectually. After that dreadful event which compelled Russia to renounce her projects of opposing France, and decided, he feared for a long course of years, the fate of the Continent, this became more than ever the true policy of this country. This policy so much derided at the time, consisted in this sentiment of one of the great poets—

"Durate et vosmet rebus servate secundis."

This was the policy that was acted upon by the last Administration, than which there never was any thing more misrepresented. But this policy was not to be followed so far as not to avail ourselves of such decidedly favourable occasions as should arise, and of taking advantage of them by making exertions on the largest scale. One great advantage of this policy would have been, that it would have enabled us to take this defensive position, and have afforded us the most abundant means of renewing the contest with better prospects of success. The first consideration, therefore, was to call the ministers to account for their conduct; to ascertain whether they were in possession of such information as they held out, respecting the means and disposition of the Spaniards to resist. Their lordships could not forget the

magnificent prospects which ministers held out of the resources of Spain—of the immense armies that were to drive the French out of it. They would remember the statements that had appeared of the strength of these armies; that there were, or shortly would be, 400,000 men in the field, exclusive of a reserve, and an immense body of volunteers. He looked in vain through the documents produced by ministers for the returns of these armies; but he found in the letters of many officers, whose credit stood highest, statements of quite a different tendency. Lord W. Bentinck, after his arrival at Madrid, transmitted the most discouraging accounts. He represented the armies as in a state of total disorganization, and that he found it impossible to prevail on the junta to confer the sole command on some distinguished officer. He also stated, that their numbers were not equal to the French concentrated on the Ebro. After the defeat of Blake, the accounts were much more disastrous; and if they consulted General Broderick's reports they would find them equally discouraging. From all these, it appeared that the spirit of the Spaniards were subdued by their first misfortunes. He had to regret with a noble lord (Lord Auckland), that though there was abundant information from the military department before the House, that there should be so great a deficiency with respect to information from the political department. From this department, however, a most important document was communicated. It was Mr. Frere's letter of the 30th November, in which he tells Sir John Moore, that the parts through which the latter had passed were the least military, and represents the population of the vast plains of Leon, and the two Castiles, as neither capable nor inclining to resist. He wished to call their lordships' attention particularly to this passage, as it evidently applied to a much larger district of Spain than Sir John Moore had seen, who had only seen that part of it from the frontiers of Portugal to Salamanca. He suspected there was a material omission in this letter. But if Mr. Frere should have so expressed himself of so large a tract of Spain, how would ministers justify themselves for having held out such extravagant hopes to the people of England? These statements of the apathy of the Spaniards were confirmed by all the documents before the House. They were confirmed by the report of General Castanos. Instead of the numbers

stated, it appear that the whole force of the armies of Gallicia, Estremadura, and Arragon, did not equal the numbers of the French at the end of September. Blake's army never exceeded 30,000. That of Estremadura hardly amounted to 12,000. Castanos' army at no time was more than 26,000 men, and these ill equipped, and badly supplied. Even when supported by the army of Arragon, it did not exceed 60,000 men. The French at the renewal of the campaign were at least 140,000, while the Spanish force of all descriptions was not more than 80,000. Were they, not to call ministers to a strict account, and to compel them to shew there were in Spain greater means of resistance? They might be told of the surrender of Dupont; of the siege of Saragossa; that the French had been driven from before Valencia, and that Joseph Buonaparte was under the necessity of flying from Madrid. These were certainly great and undoubted successes, but they were not such decisive proofs of the spirit and means of Spain, as should have justified the sending a British army into the heart of the country. That was an event which should not have been the result of a sudden ebullition, but a persevering, general, and determined spirit of resistance; a spirit, as Lord Castlereagh had described in one of his dispatches, that was not to be intimidated by great reverses, or subdued by compromise. The surrender of Dupont took place on the 19th of July, and ten days after Joseph quitted Madrid. The French were under the necessity of retiring behind the Ebro, where, at the middle of August, their whole force did not exceed 46,000 men. There they remained unattacked and unmolested, waited their reinforcements; and there they could not remain if there was in Spain that general spirit of resistance that ministers represented, or a government that was capable, if it did exist, of conducting it with energy. Ministers either had sufficient information, or they had not. If they had not, they were deeply culpable; and if they had, they were still more criminal for having acted as they had done. If neither the spirit of resistance, nor a capable government existed in Spain, they were still less justifiable. If the one existed without the other—if an enthusiasm, though less extensive than it was represented, prevailed, he would not say that assistance should have been withheld, but it should have been afforded in another way. Arms, ammunition, money, and occasional sup-

pies of provisions should have been given; but an English army should not have been hazarded unless there was the most satisfactory proof that the people of Spain were generally disposed to resist, and that the provisional government was capable of giving the best direction to that spirit. But it is said that there were proofs of a great, though not general spirit; and it is asked, would you not take measures to prevent it from being subdued? Certainly, but he would have first required proofs, even of that limited enthusiasm. If it was at all right to have afforded assistance to the Spaniard, that assistance should have been sent to the south. He found in the correspondence that the ports of Gijon and St. Andero were pointed out as proper places for disembarking an expedition. But unless there was an army collected in Austurias ready to act in August, it was in vain to think of acting there at all. It would also be difficult on account of the scarcity of provisions. There were also objections against sending an expedition to Catalonia. The distance was great, and the operations must have commenced by the siege of Barcelona. The remaining points for an expedition were the frontiers of Portugal and the south of Spain. In all military operations, a great deal always depended on time; and if a strong British force could have been collected on the frontiers of Portugal in September, much might have been done. If it could not have been ready to move from thence at that time, the preference should have been given to the south of Spain; and the army, as pointed out in the correspondence of Sir John Moore, should have been landed at Cadiz instead of Corunna. But whether these were the only or the best plans, he was not so anxious about, as that, considering the enemy with whom he had to deal, and the people we had to support, there should have been a plan. At the commencement of his speech he stated, that our true policy was to husband our resources. Let them consider in what state they were when this unexpected explosion took place in Spain. An expedition, consisting of 11,000 men, under the command of Sir J. Moore, was sent to Sweden; and unless he were called by more important matter, he would ask with what view, or for what purpose that expedition was sent out there. He would ask, why, at a time when Sweden was threatened by a large

army of Norwegians—when it was pressed by Russia on another side—when it was menaced with a French invasion from Pomerania, 11,000 men were sent to make head against such accumulated force, the commander of which, not knowing why he was sent there, exhibited the strange spectacle of a British general escaping in disguise from the court of an allied sovereign? What was the state of Sweden now, the safety of which was one of the chief arguments employed to justify the unfortunate success of that enterprize, which it was said rescued the Danish navy from the gripe of France? Were we not now paying the penalty of that unfortunate success? Were it not for the unfortunate events in Spain, ministers ought to have been called to a severe account for the expedition to Sweden. About this time another expedition, under the command of General Spencer, was prepared against Cintra; and a third, under the command of Sir A. Wellesly, which it was now understood was intended against South America. The resistance in Spain began, and these expeditions not having sailed, ministers had a disposable force of 25,000, applicable to the assistance of Spain. Their first care should have been to mature a plan of action. Were it not for the documents before the House, their lordships could hardly believe that ministers did not act upon any system. They gave Sir A. Wellesley a kind of roving commission; they left General Spencer at discretion to act as he pleased, even to proceed through the Straits of Gibraltar if it were necessary. When this general spirit of resistance burst forth in Spain, the first things ministers should have done, was to collect the means of action, and see how they were to be applied. Sir Arthur Wellesley did not leave London until the 14th of June, at which time the original destination of his expedition was not altered. The noble earl (Liverpool) shook his head, but it was clear it was not, as it was not provided with cavalry, horses being easily supplied in South America. The expedition of Sir John Moore required refreshment, and was not supplied with the most material equipment. It was not until the 21st of June, that Colonel Browne was sent to Portugal to collect information, and nine days after Sir A. Wellesley received his final instructions. Without waiting, however, for any communication from Colonel

Browne, and trusting to the loose information received from Sir Charles Cotton, that there were only four thousand French in Lisbon, they determined to send Sir Arthur Wellesley to Portugal. They were soon convinced his force was wholly insufficient; and when they heard this, they immediately sent out generals Anstruther and Ackland's brigades, and after some time the expedition under Sir John Moore. Thus a British army was at length collected in Portugal. Various rumours prevailed as to who was to command this force. It was at one time assigned to an illustrious person (Duke of York); at another, a noble earl in his eye (Chatham) was fixed upon. Nothing was more natural than that the command should have continued with the senior officer, who was already at the head of a considerable force. It did not, however, suit the views of ministers to confide so important a trust to Sir John Moore, and Sir H. Dalrymple was appointed to the command. It was not his intention to cast the slightest imputation on this officer, with whom he had the honour of a slight acquaintance; and who, as far as he had the means of judging, was an officer of considerable accomplishments. He had risen to a high rank in the army without having been much employed. His conduct in Spain, and his dispatches on the breaking out of the contest, were such, he understood, as afforded the highest satisfaction to Government. But these were not qualities that should have decided ministers to assign to him the conduct of the campaign that was about to be commenced. It seemed as if ministers had some particular personal objects to answer, for they made Sir H. Burrard the second in command, as if to render it impossible for Sir J. Moore to have the principal command. Under this arrangement, Sir Arthur Wellesley would have been only the sixth in command. [Here the noble earl detailed all the particulars of the landing of the different expeditions in Portugal, and of the victories of Roleia and Vimiera.] He disclaimed any intention of blaming Sir A. Wellesley, but he must say that he incurred considerable hazard in attacking Junot with a force that was barely equal to that of the French. Under such circumstances, a victory could not have been decisive, and a defeat must have proved fatal; for it was impossible to have effected a secure retreat, from the want of cavalry to protect it. On the day before the battle of Vimiera, Sir H.

Burrard arrived on the coast, and joined the army during the action. And here he could not avoid adopting and expressing the opinion of a noble earl near him (Moira) that there was no fair ground for separating the name of that officer in the vote of thanks. It was hardly to be expected that joining the army in the midst of an action, and with such a responsibility as he had upon him, that he could have sanctioned such a movement as was recommended. Their lordships knew what followed: an armistice and convention, by which the enemy obtained the facility of retiring from Portugal with all their baggage, stores, ammunition, cavalry, and, in short, with all the honours of complete victory. Let their lordships compare this with what took place at Corunna, where a battle was fought, without, according to the dispatch of the General on whom the command devolved, the smallest hope of advantage; where the army embarked in the utmost confusion, the horses were slaughtered, the stores and ammunition destroyed, or left behind, and a loss sustained of upwards of 7000 men, and the service of the army that was brought off lost for several months, and so feared for a long time more. He would not agree in the reasons assigned by Sir A. Wellesley for advancing against Junot, particularly as he was threatened by Bessieres, who had advanced to the frontiers of Portugal after having defeated the Spaniards at Rio Seco. He could not coincide in the opinion declared by that officer, that he had time sufficient for his operations against Junot. The chief blame, however, must rest upon ministers, who fluctuated about the command of the army, and did not put the officers who commanded it in possession of their ulterior plans. He was not a friend to fettering the discretion of officers. There were strong grounds to condemn ministers on this as well as every other instance. In this, the most successful part of their conduct, there were just grounds for crimination. The effect of the convention of Cintra was not, he understood, yet done away in Portugal. The consequence of it was, that the spirit which prevailed was damped, and that the Portuguese army was less numerous in September than in July. So different, indeed, had the disposition of the people of that country become, that it was found necessary to leave a considerable British force there to support the government. And here it was impossible to contrast the conduct of

ministers with that of the person at the head of the French empire? Did he ever send out Marshal Ney with a roving commission? Did he send out Soult to supersede him, or Marshal Massena to take the command from both? No; they saw him collect his means, concentrate his force on the Ebro, and not stir from thence until every thing was prepared for one great simultaneous movement. Whatever his crimes might be, it was impossible not to acknowledge the superiority of his talents, that he united in himself all the qualities of a Fabius and Marcellus, or rather, considering the enemy with whom he had to contend, and the country that was to be the scene of action, that he might be compared to Hannibal, perhaps the greatest captain of ancient times. Were they to be surprized, that such arrangements have been followed by such calamities in Spain as made men shudder, and the blood run cold? He would next examine the means that ministers adopted to obtain information of the disposition and resources of the Spanish nation. For this purpose it appeared, that thirty or forty officers were sent into Spain; in various directions, to collect that information which should have been obtained months before. At first it seemed to be their intention to give the command of the army to Sir H. Burrard; they changed their intention, however, and appointed Sir J. Moore. On the 26th of September that officer received instructions to advance into Spain; to which he answered that he would lose no time in getting the army forward. On the 28th of September, Sir D. Baird received instructions to proceed to Spain; and here he could not avoid calling their lordships' attention to another instance of neglect on the part of government. It was not until three days before that instructions were transmitted to General Broderick, to concert with the Junta of Gallicia measures for disembarking the army, and enabling it to advance when it should be necessary. On the 30th similar instructions were sent to Lord William Bentinck at Madrid. On the 9th of October the expedition under the command of Sir David Baird sailed from Falmouth, and on the 13th arrived at Corunna. And here, through this extreme neglect or confusion of ministers, Sir David not only did not find those facilities for disembarking the troops that he had reason to expect, but he was absolutely prohibited to land at all. Not a man would be allowed to go ashore.

But it had been said, that it would appear from the correspondence of Captain Kennedy, that every thing had been done to remove all difficulties as to the landing of the army; yet, if their lordships should but look into that correspondence, they would perceive that it related altogether to the refusal of the Junta of Gallicia to suffer the army to land. It was not till the 30th of October that permission was given for the disembarkation. On November 1, the landing commenced; on the fourth the first corps had landed; on the eighth Lord Paget arrived with the cavalry, and it was not till the 15th that the whole army had landed. Now, when they considered the whole of the case, that the troops had been put in motion at so late a period, that no means had been taken to insure their reception when they arrived; when their lordships considered the particular point in which his majesty's ministers had chosen to act, he was persuaded that they would perceive throughout the whole of the ministers' measures a system of imbecility and impotence, which would be a disgrace to the government of any country, still more of a great empire. It was impossible for Sir John Moore to begin his march before the beginning or middle of the month of October; and if the secretary for the war department had given himself the trouble to calculate dates or distances, he must have known, that it would not be possible for the army to form a junction on the frontiers of Leon and Gallicia before the middle of December. Did ministers suppose that Buonaparte, taking example from their own inactivity and supineness, would not make any effort to retrieve those losses, which he had unexpectedly sustained in Spain? Did they suppose, that the encampment upon the Ebro had been maintained for no other purpose than to keep up a defensive position in Spain, without any intention to make an attempt to regain the ground that had been wrested from the enemy in that country? or did they imagine, that reinforcements would not be expedited with all possible dispatch to that post to which the French army had some months before been compelled to retreat? On the contrary, would not all the examples of Buonaparte's past conduct have shewn them that no effort would be spared by him, that the utmost possible exertions would be made to retrieve his losses in Spain?—Thus ministers might have calculated upon as a certainty, that, before the end

of October, even though he might be obliged to draw the reinforcements from the Danube or the Vistula, he would have collected an army in Spain adequate to the reduction of that country. Upon this head we had not been without information from the French accounts, which had been published in all the newspapers. By these it appeared, that in a message of Buonaparte to his senate, on the 16th of September, he declared his determination to continue the war against Spain with vigour, and to destroy those armies which the English had landed on the peninsula. Here there was a distinct declaration of Buonaparte's views upon Spain, previous to the orders sent out to Sir John Moore to advance into Spain, or the instructions given to Sir David Baird to proceed from Falmouth to Corunna. Then followed a report from the French minister at war; stating, "that it was of no small advantage, that in the ensuing campaign the French armies were to meet the English; that the English might themselves, at length, feel the effects of the war; that they would be destroyed or driven into the sea; or, do as they had done at Toulon, the Helder, and in Sweden. Such language as this, proceeding from a minister of a foreign nation, could not but be most galling to every English feeling; and what rendered that language still more afflicting was, that the representation it contained had unfortunately been realised by the event, and might have been prevented by ordinary prudence and foresight. Then an addition of 200,000 men was called out, in addition to the existing army, as appeared by the Paris papers of the 21st of October, received in this country on the 3rd of November. By these channels of information we had known, that between the middle of October and the 18th of November, reinforcements of infantry and cavalry, to the amount of 57,300 men, had actually joined the French army in Spain. The report of General Castanos stated, that between the 1st of October and the 20th of November, not less than 68,000 men had arrived in Spain; which, with the force of 45,000 already in that country, made an army of 113,000 men, of which 18,000 were cavalry, applicable to the reduction of that nation. In this state of information, however, his majesty's ministers had thought proper to send a British army to act against so superior a force in the open country, where their vast superiority in cavalry would give the enemy a decisive advantage, and

where there was no adequate naval force to support the British army. But, even if the Spaniards had an army, which, instead of amounting in the whole to 85,000, fell far as it exceeded its actual strength, as the exaggerated accounts received in this country stated, what should have been the first operations of the campaign? What was to have been expected in the first conflict, between new raised levies, and the best disciplined troops in Europe? What was to be looked to, but losses in the first instance, though by unabated spirit and persevering exertions they might ultimately triumph? The course they should have adopted was to retreat to their fastnesses, and at first to have abandoned a great part of the open country to the enemy, in which they might incessantly harass him by desultory attacks, and learn in the school of adversity that experience and efficiency which would enable them finally to prevail over their enemies. Under the actual circumstances of the country, therefore, no one could have supposed that the point selected by ministers was that at which the British army should have been employed against so superior a force of the enemy with any prospect whatever of success. It was not, then, till the 12th of October, that Sir John Moore began his march from Lisbon for Spain. On the 14th of November he arrived with the head column of his army at Salamanca, and on the 5th of December, when the other columns had successively come up, Sir John Moore wrote that General Hope was at Evara, Sir David Baird at Astorga, and that he expected within a short time to assemble the whole army. It had been said, in another place, that if any responsibility were to attach any where for this line of march, which the army had taken, that responsibility rested with Sir John Moore. Nothing, he contended, could be more unfounded than such an assertion. Sir John Moore had no choice, and the course he actually had taken was perfectly right, and he was convinced it would meet the concurrence of every military authority in the country, that his decision in favour of a march by land was right upon military principles. It would certainly not have been desirable for him to venture on an uncertain passage by sea at that season, nor would it have been prudent in him to land his army in a country which had not the means of affording him the necessary supplies. On the 15th of November, then, Sir David Baird began

his march from Corunna, and on the 14th of that month the head of Sir John Moore's army arrived at Salamanca. Having thus stated what was the situation of the British army in the middle of November, he begged to call the attention of their lordships to the situation of the French army at that period. On the 4th of November the French reinforcements had arrived in great strength in Spain, so as to enable their army to commence active operations. In point of fact, the French had begun to act on the 26th of October, as appeared by their having surrounded and taken a column of 1,200 men. On the 30th October the French began to act against the army of General Blake, and between that and the 11th of November totally destroyed or dispersed that army. On the 4th of November Buonaparte arrived at Vittoria; on the 10th the army of Estremadura was destroyed; and on the 13th Buonaparte actually established his head-quarters at Burgos, the very point where our army was to unite, one day before the head of Sir John Moore's army arrived at Salamanca, two days before Sir David Baird began his march from Corunna. All these were circumstances that might have been foreseen by any ordinary capacity; and with the certainty that such circumstances must have taken place, it was the height of madness to send a British army to act in the north of Spain. It was the opinion also of Sir John Moore, that the whole of the British army under his command should have been assembled on the Portuguese frontier, and directed its march to Seville, and not to Salamanca. If that plan of operations had been adopted, he might, if pressed, retire behind the Tagus, and thence into the province of Andalusia, where there was an important iron foundery at Seville, where the spirit of the people was most enthusiastic, and where there was a secure and impregnable port, Cadiz, to which in any emergency the British army could securely retreat. The port of Cadiz was capable of affording shelter to the fleet, and security to the army if obliged to fall back upon it; but here he did not mean to go into the cause of that jealousy which existed with respect to admitting our troops into that port; but if that could have prevailed after we had sent a large army into that province to assist the cause of Spain, at all events Gibraltar was a point to which the army could scarcely retreat. That plan of operations would have been best for the security of the British army;

most effectual for the Spanish cause, because it would establish the British army as a reserve round which the native troops might rally, and most harassing to the French, because it would oblige them to act upon a more extended line.

But scarcely had Sir David Baird begun his march, when at Lugo he heard of the destruction of General Blake's army: on his arrival at Astorga, he heard of the dispersion of the army of Estramadura: so that before he could have arrived at the scene of action, every army, from which he could have hoped for support, had been destroyed. And here he besought their lordships' attention to the letter of Sir David Baird, dated the 22d of November, and to that of Sir John Moore, dated the 24th of November, and to the representations of both as to the absence of all support from native armies, and the want of the reported spirit or enthusiasm on the part of the people. In this letter, Sir John Moore said, "If the real strength of the Spanish army, or the real state of the country had been known, Cadiz, not Corunna, would have been the point for the landing of Sir David Baird's corps; and Seville, not Salamanca, the place at which the army ought to have been assembled." These documents shewed how hopeless the situation of affairs in Spain was, how low the disposition of the people was at that period. The letter from Sir David Baird had been received here on the 3d of December; that of Sir John Moore on the 8th; and it was in the recollection of their lordships, that these documents had been in the possession of his majesty's ministers, when, on the 16th December, they thought proper to advise his majesty to issue that celebrated proclamation, which pledged his majesty to the universal Spanish nation; which bound this country to a cause, which, according to every information, was actually hopeless. He was ready to admit, that it would be the interest of this country, as it must be in its diposition, to maintain the cause of the independence of Spain, as long as there could be any reasonable expectation of success. But he could not but disapprove of this gratuitous pledge solemnly proclaimed to the world under such circumstances—a pledge which could not be of any service to Spain, and might be of considerable inconvenience to this country. The declaration was a point upon which he thought that ministers

were bound to give some explanation to Parliament, as to the grounds upon which they had thought proper to issue it, whilst they had such documents in their possession. But while General Hope was at Evora, and Sir David Baird at Astorga, the army of Castanos was defeated and dispersed, a part having retreated into Arragon, and another part proceeding south towards Andalusia. So that in three short weeks after he had commenced operations, Buonaparte had completely succeeded in destroying the three armies upon which the British army was to depend for support. This was the result of the combination, of the activity, foresight, and prudence of the enemy, as contrasted with the supineness, rashness, and arrogance of the councils of his majesty's ministers. The means provided by Buonaparte for the accomplishment of his purposes were so well combined, and his objects so ably prosecuted, as generally to give him a moral certainty of success; and whatever may be thought of his total disregard of the justice of those objects, it was impossible not to admire the ability and wisdom with which he combines the means of accomplishing them. A person high in office had in another place, in adverting to this subject, applied to it the celebrated quotation,

"Nullum numen habes, si sit prudentia, sed te
Nos facimus, fortuna, Deam Cœloque locamus."

Buonaparte might unquestionably apply this quotation to himself. He was said to be superstitious, to rely on his fortune, and to place confidence in his star; but whatever may be his disposition or his feelings in these respects, he never neglected to provide all the means that could possibly ensure success. It was not with him as with his majesty's ministers; he never entered into an enterprize without any calculation of consequences; he never exposed his fortune to risk upon the desperate chance of a distant possibility of success. In this situation were the affairs in Spain, when Sir John Moore determined, and properly determined to retreat; and in this determination he continued till the 5th of December. It must now be obvious to their lordships, that that course would have been best for the safety of the British army, and most advantageous for the interest of the people whom it had been sent to assist; because, by retiring to the frontier of Portugal, Sir John Moore might take advantage of any favourable opportunity to return to the

assistance of Spain. Upon these grounds, therefore, Sir John Moore persevered in his intention to retreat until the middle of the day, on the 5th of December; and here he must come to take notice of those points which the noble Secretary of State had undertaken to justify. The first ground, however, was done away, respecting the nature of the communication from Mr. Frere to Sir John Moore, as being private not official, because the noble Secretary afterwards stated that this communication had no effect in influencing the decision of Sir John Moore. The third point, however, which the noble Secretary gallantly undertook to defend, was not so easily to be justified or established, namely, that the advance of Sir John Moore from Salamanca was right upon military grounds, and defensible upon any sound principles.

Now that they were at issue upon this point, it might not be unnecessary to take a view of the situation in which Sir John Moore was placed at that time. Sir David Baird was at Astorga; Gen. Hope had joined; the army of Blake had been dispersed, and the Marquis Romana was collecting the remains of it at Leon; the army of Estremadura had been destroyed; that of Castanos defeated, and flying towards the East and South; the French were in possession of the passes of Guadarama and Somosierra; by which the British army was cut off from all communication with Madrid; and whilst a part of the French army occupied Burgos, their light troops were scouring the whole of the open country, nearly to the quarters of the British army. Such has been the relative situation of the two armies at the time, when the noble Secretary of State was prepared to defend the propriety of the advance of the army from Salamanca. And here he must notice this singular difference which took place between Sir John Moore and the noble Secretary. Sir John Moore stated, that the army which he had under his eye amounted only to 26,000 effective men, whilst the noble Secretary contended, that from returns which he had in his office, neatly made up in parcels and tied with red tape, he knew the general must have 40,000 men fit for action: the papers on the table, however, shewed that the effective strength of his army had not at that time exceeded 26,000 men. The question then which Sir John Moore asked himself, and wisely did he ask himself the question, whether with 26,000 men he

should advance into Spain, without having any native force to act upon his flanks, or any expectation from the co-operation of the peasantry; whether he would be justified in risking an action against an enemy superior in strength, and in possession of the whole of the country, two hundred miles from any point to which he could look for support? Under all the circumstances of his situation, it was highly imprudent to advance, and nothing was to be expected to result from such an operation, but a hasty and disastrous retreat. It was an afflicting consideration to Englishmen that the consequence had been precisely what was to have been expected, and reflected disgrace upon the counsels which led to it, but certainly did not leave any stain either upon the high character of the general, or the unparalleled spirit which had been displayed by his brave army. The prudent determination of Sir John Moore, which he persisted in till the 5th of December, he was induced to alter on that day by the communications which he received from Mr. Frere, a gentleman, who, whatever might be his talents in other respects, and however painful and unpleasant it might be to him to make the observation, appeared to him to be wholly unqualified, from his folly, ignorance, and presumption, for that high and important station which he at present occupied. To prove the incompetence of this gentleman, he need only refer to his letter of the 27th November, in which appearing to be ignorant of the arrival of reinforcements to the French army, he mentions to Sir John Moore how desirable it would be for him, and how politic, to make an attack upon the French army before it should be reinforced; and yet at the date of that letter the French army had been increased to 113,000 men. Another reason assigned by that gentleman for the advance of Sir John Moore was, France was always weak after a great effort. Was France weak after the battle of Marengo? Was she weak after the great efforts made at the battles of Jena, of Vienna, of Ulm, of Austerlitz, or of Friedland? What could be such a proof of existing strength and powerful resources as the means that had been sent forth by France to insure success, and for the achievement of these important victories? Sentiments such as those expressed by that gentleman could not fail to remind one of the case of those who, from

being in the constant habit of telling stories, came at length to believe them themselves. Mr. Frere seemed to him to be one of those, who in this country made a practice of decrying every effort of France, and predicting the failure of all her projects. Before the battle of Marengo the defeat of Buonaparte was anticipated; on the late coalition the downfal of his power was represented as certain in almost all the newspapers, not even excepting the Anti-jacobin. He came now to shew that the advance of the army from Salamanca was the work of this Mr. Frere. It would be in their lordships' recollection, that the instructions from Lord Castlereagh to Sir John Moore, directed him to be guided in every thing respecting the Junta of Government by, and to take all his information on that and all the subjects concerning the state of Spain from, Mr. Frere: not, however, that he was to submit to his communications as to commands, but to pay every attention to them short of what should be paid to commands. He wished their lordships to bear these instructions in mind, in order that they might be able to judge of the weight which the letter of Mr. Frere must have had in determining the conduct of Sir John Moore. In this letter Mr. Frere recommended to Sir John Moore to suspend his retreat for the present; for the present, he said, because such was the spirit of the people, that, if they should be abandoned by the British army, he was convinced they would still accomplish their object. And here he could not but take notice of the dictatorial tone in which the offensive letter, received by Sir John Moore on the 5th December, from Mr. Frere, was couched. At the same time that this letter was delivered to Sir John Moore, he received another from the Central Junta, which he was enabled to communicate to their lordships, having obtained it from the family of Sir John Moore. This letter he could, without any impropriety, read to their lordships, because he had communicated its contents to the noble Secretary. It was dated the 2d of December, and informed General Moore "that General Castanos, after his defeat, was falling back upon Madrid; that the corps, which had been at Somosierra, was pursuing the same direction; that they had 40,000 men in Madrid; but as the French force might be increased, they begged of Sir John Moore to move his army towards Madrid, or at all events to act upon the flanks of the

French army, with a view to make a diversion in favour of Madrid." Such was the letter received from the Supreme Junta by Sir John Moore, and he should presently notice the suspicious circumstances attending it. The bearer of Mr. Frere's letter to Sir John Moore brought also a second, which, as he did not deliver till the morning after he delivered the first, seems to have been committed to him with a view to be delivered in case the recommendation contained in the first should not make him alter his determination. In this extraordinary production, Mr. Frere desired that in case Sir John Moore should not suspend his retreat, the bearer might be examined before a council of war. What! Mr. Frere take the command of his army out of the hands of Sir John Moore, and desired that his messenger should be examined before a military measure should be resorted to! But the name of this messenger had been withheld. Why? It was no doubt some great and distinguished person, some illustrious commander, whose experience and talents would give impression to his opinion, and who took the disguise of a messenger in order that he might give to the British general the benefit of his great abilities. It was, perhaps, General Dumourier, who was said to have left this country for Spain, in order to organize the Spanish armies, and aid with his talents and experience the great cause of that country; or it was perhaps General Moreau, the distinguished military rival of Buonaparte, who was said to have arrived about that time in this country, that proceeded to the British army as a messenger, and was, according to Mr. Frere's direction, to be examined before a council of war, and to bear down the determination of Sir John Moore by the commanding influence of his authority. But no; the person selected for this mission was a character long notorious in this country, whose motions have been watched by the government of this country with suspicion. His noble friend on the cross bench (Lord Buckinghamshire) could inform the noble Secretary upon that subject. This person had originally been an advocate in St. Domingo, where he took an active part in the revolution; he was afterwards sent to France, whence, in the alternations of the Revolution, he had been compelled to fly; then sought refuge in this country; here he persuaded the government that he was invested with some authority from St. Domingo, and was unaccountably confided in; he had, at

one time, the command of a regiment in the British service; but afterwards turned to business, and could be traced through the courts of law, in actions for usurious transactions; and finally, if the noble lord on the woolsack was not satisfied with all this, he might trace him in his own court in proceedings for fraudulent bankruptcy.

It was a person of this description that the British minister had selected to be the bearer of this insulting letter to Sir John Moore. But besides all this, there was the strongest reason to believe that this man had acted as a traitor and a spy. This could be judged of by looking at the dates. It was obvious that he must have been at Madrid on the 2d of December, and had received the letter from Morla to be delivered to Sir John Moore, giving an account of the spirit of the people of that capital, and of the strength of the Spanish armies. That was the day when Morla went first out to a conference with the French for the surrender of Madrid. The French had on the preceding night forced the Retiro, and were encamped on the heights which command Madrid. In this situation of affairs Morla sent the letter to the British general, inviting him to advance upon Madrid; and if Sir John Moore had taken that course, it was not alone the loss of that ever-to-be-lamented officer that the country would have to deplore, but the destruction of his whole army. Sir John Moore, however, did not move in that direction, but was induced by the combined effect of the representations he received to advance to the North of Spain; was it possible then for his majesty's ministers to contend that the letter of Mr. Frere had not a fatal effect upon the campaign? He might refer to every subsequent letter from Sir John Moore to prove it. But he had another letter which would put that beyond doubt, which he had also communicated to the noble Secretary, and could therefore without impropriety refer to. It was a letter from Sir John Moore to Sir David Baird, informing him "of what he had heard of the spirit of the people at Madrid; that they were prepared to perish rather than submit; that the French were arrested there; and that though it was too late, he proposed, in consequence of the representations of Mr. Frere, to give them a trial by making an effort in their favour." After hearing this letter read, could any man doubt of the effect Mr. Frere's representations had upon the determination of Sir John Moore? It might be

said, that the advance of the British army had operated as a diversion. But was the advance to have been made only that the army should retreat again? If the retreat had been delayed but a single day, not a man of the army would ever have returned. But the drawing off a portion of the French army for a few days, was not of such value as to withdraw the British army to a place of safety, whence it could again return to attack the enemy. All the mischiefs that had resulted from the campaign had arisen from the circumstance of his majesty's ministers having confided in a person whose temper, mind, habits, and knowledge was such as to render him unfit to hold, with safety to the interests of Great Britain or Spain, the confidential, important, and arduous situation of minister to the court of Spain. His lordship proceeded to expose and condemn the manifest want of wisdom, plan, and foresight, on the part of ministers, in the views they took of the important subject of Spain. An equal degree of negligence was evident in the adoption of the means by which they intended to effect their unwise notions. The great deficiency constantly complained of by the Spaniards themselves, and so evident in the operations of our own army, was a want of cavalry. This want was obvious to every man; but still he understood that the noble Secretary of State purposed to defend administration against any imputation on this head. He should be surprized to hear that *they*, who were so eager to accuse the last administration, to attack *them* with so much violence and asperity for speaking of the difficulty of the immediate taking up of transports, should, *themselves*, plead that very same sort of excuse, in a case which so little resembled the other, from the greater facilities it afforded, and the various other circumstances connected with it. It was a circumstance worthy some degree of attention that in the years 1793 or 1794, out of the 14 or 15,000 cavalry in this country, we were able to send about 7000 to the continent; and that now, out of our vast body of 27,000 cavalry which we at present keep up, no more could be afforded upon this most momentous expedition than 2000! Was not cavalry required for such enterprizes? Did not ministers know that such a force was necessary? Was it not asked for from us? He then dwelt upon the great losses suffered in the campaign. The noble Secretary admitted that the loss of lives amounted to 7000

men, who had bled and lost their lives without achieving any advantage to their country. In a financial view the loss was estimated at least at five millions; he believed he might carry it on the whole to eight millions, by which permament taxes to the amount of 500,000*l.* are imposed upon this nation. Were not these serious evils? His lordship then proceeded to make some observations upon the opinions entertained by some modern patriots, that there was no difference with respect to what set of men conducted the public affairs. If this principle were applied to the affairs of the army, what would be the result? Was there no difference between a commander such as the Duke of Marlborough and some foolish inexperienced military officer? He took that opportunity to state, that he had always been, and still remained a friend to reform. He would maintain, that the reform of abuses, and economy in the management of the finances, were leading principles of the late administration. He panegyrized the conduct of Lord Grenville on this account. The present ministers might desire to be praised for that economy which they imputed as a crime to their predecessors, and as connected with what they called a want of vigour. He declared that his heart and soul were from the first in the cause of Spain, and took a short review of the arguments he had used in the course of his speech. He called upon the House to consider seriously this question.—By the disappointment of the hopes and expectations of the nation,—by the dilapidation of our national resources, by the loss of so many British lives, by the last hopes of Europe—he conjured their lordships to enter gravely into this most important discussion. He concluded with moving an address, which corresponded with the principal points of his speech, and censured the conduct of government, relative to the affairs of Spain.

The Earl of Liverpool rose, and admitted the great importance of the present discussion. He did not shrink from the great responsibility that administration were said to have incurred. He was confident, that the country felt a strong and general desire to assist the gallant Spanish nation. Government was animated by the same feeling, and was resolved not to disappoint the hopes of the country, but to do every thing in its power towards the great end in view. He gave the noble earl credit for the way in which he had viewed the question. He had

not blinked it, but had stated his opinion openly. From the opinions expressed by the noble lords opposite, we were to have waited coolly to see the basis of Spanish strength confirmed, and to ascertain their perseverance in this great cause, before we sent them the aid of a British army. Would not the British nation have reprobated the conduct of an administration that had acted on such principles? Almost every noble lord opposite differed in his opinion respecting the mode in which military operations were to be undertaken, and yet, difficult as the matter was, they agreed to condemn the measures of ministers. Was there any other plan than that which was adopted which would have been as good? Was there any want of firmness and vigour in the execution of the plan which was adopted? He had no difficulty in answering those questions. The northern coast of Spain had neither ports or bays proper for the landing of a large army, nor was the country itself such as could furnish it with subsistence. This point he alluded to, because high military characters in that House had expressed particular opinions upon it. He quoted the opinion of the Marquis de la Romana, who recommended landing at Corunna, Ferrol, Vigo, or Lisbon, rather than San Andero, where he himself landed; for the Asturias, the Montana, and Biscay were not places to which to send an extensive British force. As to delay, it was not wise to send an army while the provinces of Spain were under different Juntas, and there existed the chance of jealousies. On all grounds he was convinced that the best policy for Britain, for Portugal, and for Spain, was to commence the operations in Portugal. He praised highly the conduct of Sir Hew Dalrymple, while governor of Gibraltar, towards the Spaniards, and made a very warm and glowing panegyric upon Sir Arthur Wellesley. On the subject of cavalry, he dwelt on the extreme difficulty in procuring a requisite number of transports, and especially on the sort of transports required. Infantry, with the comforts we wisely provided for our troops, required one ton per man; but cavalry demanded not less than nine or ten tons. Forty thousand infantry could be transported as easily as five thousand cavalry; there was not one ship in four fit for that service. Besides, we had to send horses for remounting, and for the artillery. He instanced the case in Egypt, where we had 130 cavalry, and yet gained such great successes. We

had sent to Spain 8 or 9000 horses, and there would have been sent 12,000 in all, but for the disembarkation on hearing of the return of our army. Never had this country made any thing like so great an effort in transporting a body of force of this description. On the 22d of August we had cavalry superior to those of the French army in Portugal. Indeed the moment Portugal was fixed on as the theatre of our first operations, a powerful and effective body of cavalry was sent out. He contended that our first military measures were of the greatest consequence in effecting the surrender of Dupont, who was prevented from receiving the reinforcements destined to his aid by Junot, through the diversion created by General Spencer. Speaking on the propriety of our expedition to Portugal, he observed, that as to the question whether it was best to make Junot and his army prisoners of war—whether they could possess the Tagus, and thereby maintain themselves for any time, must depend on the opinions of military men; and whether, if they could do so for two months, it would have so far put off the time for operations in Spain that they could have been of no avail so as to answer any important purpose. He had no doubt, however, that if more favourable terms could have been obtained, they would have been insisted on. His lordship contended that the argument of the British army proceeding to Andalusia instead of the North of Spain was weak in the extreme, for the people of that province had expressly declared they did not want assistance, and the North of Spain did. That long before our government knew the evacuation of Portugal would take place, instructions had been sent to Sir Hew Dalrymple; viz. on the 20th of August, to put the army in motion, as soon as possible, and immediately after the event of the battle of Vimiera was known, fresh instructions to the same purport had been repeated; that whatever might be said by those who were hostile to the conduct of that expedition, there could be no doubt but it had operated as a great diversion of the enemy's attempts, and had prevented him from overrunning the whole of the country, after the unfortunate defeat of Blake and Castanos, by giving the Spaniards time to rally, and the Supreme Junta time to recover their spirits, and to concert measures for future operations. That our loss when compared with the duration of the service, had not been more than on

many other expeditions, which had never been complained of either by the noble earl who made the motion, or any other noble lord in that House. The whole speech of the noble earl had conveyed an idea that the Spanish cause was over; but he would mention, that the French Ruler had not yet succeeded in subduing Spain. He had employed more than 200,000 men, and the greatest part of his best generals. He had appeared there in person to give additional spirit to his army; and yet, notwithstanding all his immense exertions, he possessed not at this moment more of the country than he did last year: and the unity and firmness of the Spaniards, since these advantages had been obtained by the enemy, clearly evinced their spirit and fixed determination to resist all the efforts of their oppressors. He thought the noble and spirited defence of Saragossa, though it might have its equal, had not its superior in history, and shewed the Spaniards would effectually defend their country, though they may sometimes err from too much zeal and enthusiasm. He begged their lordships to recollect what had been done in America. In the outset we gained every battle, took Boston, Philadelphia, New York, and seemed to be secure of subduing them, till General Burgoyne and his army were surrounded and taken prisoners at Saratoga. Their system was that of protracted war; that of the Spaniards would now be the same: and when we looked to the extent and natural situation of that country, to their population, strength, and military talents, he could not see there was any reasonable cause to doubt of their ultimate success in the struggle, arduous as it was, in which they were now engaged. He had the consolation to know, that they felt themselves bound by every tie of gratitude and affection to this country; and that notwithstanding the unfortunate event of the campaign, the heart of every true Spaniard beat as highly and warmly in favour of Great Britain, as at the moment when they first asked and received the assistance which we gave them. No man could answer for events to come. Submission may eventually be their lot; but should that unfortunately be the case, he had the satisfaction to know they could not impute that submission to any want of assistance on our part. Whatever might be the result, we had done our duty; we had made every exertion in our power; and by continuing the same course, we might reasonably sup-

pose that our joint efforts would be crowned with success. His lordship concluded a very long and able speech (of which neither our time or limits will permit us to give at greater length) by giving his decided negative to the motion.

The Earl of Moira entered at some length into the discussion. He supported the noble mover in his views of the question, and declared that the adoption of his motion was, in his opinion, the only retribution the House could offer to the memory of the illustrious Sir John Moore, and the gallant men who so gloriously, but unprofitably, fell in the battle of Corunna.

Lord Sidmouth was of opinion that the motion had been most powerfully supported by arguments which he had not heard a single position to invalidate. His lordship expressed his opinion on the conduct of ministers in general, and of Mr. Frere in particular; and concluded by saying, that whatever might be his present opinion of the Spanish cause, he should despair of it, if the present motion were not agreed to.

Lord Mulgrave spoke in defence of the conduct of ministers.

Lord Erskine declared an opposite opinion, and spoke hopelessly of the Spanish cause, although it might come to rights if ministers would let it alone. The strength of the country had been improvidently wasted, and that cause, which might have recruited it, totally lost.

The Earl of Westmoreland spoke at much length in defence of the conduct of ministers.

Lord Grenville, in a most able and eloquent speech of two hours and a half, of which our limits will not allow us to attempt even the description, replied in support of the resolution.

Lord Grosvenor said a very few words on the same side: and

The House divided.

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Adjourned.

HOUSE OF COMMONS.

SATURDAY, APRIL 22.

ELECTION BRIBERY.

Mr. Curwen gave notice, that he should in the Committee on the bill, for preventing the sale of places under government, move a clause for rendering it a criminal offence, for any elector to receive a bribe, for giving his vote at any election for members of parliament.

Adjourned to Monday.

HOUSE OF LORDS.

MONDAY, APRIL 24.

MR. FRERE.

Lord Darnley, after a few remarks on the conduct of Mr. Frere in Spain, relative to Sir John Moore and the army, which he understood to meet with the disapprobation of the noble Secretary of State, expressed his desire to know whether government intended to recal that minister, and if so, whether they intended to employ him again in a similar situation. If he received no satisfactory information on this head, he should conceive it to be his indispensable duty, should no other noble lord take it up, to make a motion upon this subject.

The Earl of Liverpool said, that he would vouch for the general good conduct and services of Mr. Frere, in Spain and elsewhere. What he had before stated, amounted only to his disapprobation of the mode he had employed, in making his communications to the general of the British army. As for the latter part of the information desired by the noble lord, he was sure that his lordship would, upon reflection, see the impropriety and difficulty of his giving an answer to it. His lordship also took that opportunity to explain some misconceptions of his speech on Friday last, respecting the amount of British cavalry sent to Portugal. When he stated our numbers as equal to the French, he included the regiments expected daily to land.

After a few words from Earl Grey, the Earl of Suffolk adverted to the state of our cavalry in Spain, and declared that he had it from good authority, that we were com-

pelled to kill the greater part of our horses, because we had not shoes to put on their feet, a fault of great magnitude in the commissariat department.

REPORTS OF THE DEBATES.

Earl Grosvenor, in rather a low tone of voice, rose to rectify a misrepresentation in some publication of a speech delivered by him, in which he was made to ascribe the death of General Anstruther to the want of proper assistance and comforts. He had not said so, nor intended to say so, and he took this opportunity of explaining what he had said, as otherwise it was calculated to create considerable uneasiness. His lordship observed, that notwithstanding the standing orders in both Houses of Parliament, the House of Commons had for a length of time allowed such a relaxation, as to give considerable facility to the publication of their discussions; and considering the great advantage the public derived from being made acquainted with the proceedings of their lordships, he thought the severity of their standing order might be relaxed also. At least he hoped it would not be so strictly enforced as it had lately been, as he thought that, in that case, misrepresentations would be less frequent. He merely threw out these observations for the consideration of their lordships.—Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 24.

BREACH OF PRIVILEGE.

Sir Charles Hamilton moved that Daniel Butler, the sheriff's-officer, some days ago committed to Newgate by order of the House for a breach of privilege, by executing an arrest of the honourable baronet, be now brought to the bar. He was brought accordingly, and, after being admonished by the Speaker, ordered to be discharged on paying his fees.

IMPRISONMENT FOR LIBEL.

Mr. Whitbread said he held in his hand an amended petition from Mr. White, prisoner in the gaol of Dorchester, under sentence of his majesty's court of King's Bench: it contained substantially the same allegations

with a petition he had offered a short time since from the same person, but withdrawn for the purpose of correcting some objectionable parts of his statements then made, and Mr. Whitbread moved that it be now received. It was accordingly read and received, and was to the effect of his former petition, which we have stated; differing however by omitting the assertion that he was refused the necessary attendance and intercourse of his wife and family during his illness. The petition, which was of very great length, having been gone through,

Mr. Whitbread rose, and said, that in presenting this petition on the representation of Mr. White, he begged to be considered as not responsible for the truth of its allegations. He knew nothing more on that head than from the statement of the petitioner. He would not now pretend to say whether the mode of proceeding in the court of King's Bench upon this petitioner's trial, as stated in his petition, was legal or not; neither would he assume to decide whether the manner of his treatment in Dorchester prison was regular and justifiable or otherwise. In answer, however, to some observations which fell from an honourable friend of his (Mr. Calcraft), on a former night, in which a part of the severity of which this petitioner now complained, was attributed to a regulation rendered necessary by the previous misconduct of a gentleman of high literary character and profound learning, now no more (the late Mr. Gilbert Wakefield), who had the misfortune to be imprisoned under a legal sentence in the same gaol, he felt it necessary to offer an observation or two. He did not question the veracity of his honourable friend, nor entertain the slightest doubt that the statement he had made upon the former night was founded upon information he had received; but from respect for the character of Mr. Wakefield, highly esteemed as it was, and lamented as the loss of such a man had been, and from regard for the feelings of his respectable relatives, to whom his memory was as dear in death as his person and character when living, and who conceived that character severely and unjustly wounded by the statement to which he now alluded, he begged leave now, at their request, to state what was the fact. It was said that Mr. White had been restricted from walking in the garden of the prison, because Mr. Wakefield before him had abused a similar indulgence, by exciting the other prisoners to discontent and dis-

turbance. It was not easy to conceive how the miscon duct of Mr. Wakefield, if he had been guilty of any, could justify a severe privation towards Mr. White so many years afterwards, and against whom there was no instance of similar misconduct alleged. But with respect to Mr. Wakefield, he was assured by his friends that no complaint of any such misconduct on his part was ever made either by the gaoler or the magistrates. Having said thus much from respect for the wounded feelings of that gentleman's friends, he thought that as a proceeding was now pending in a court of law respecting the confinement of Mr. White, and the proceedings on which it was founded, it might not be advisable now to move any thing upon the present petition farther than that it do lie on the table until the pending question should be disposed of. But there were many of the allegations set out in this petition which, if they should appear to be well founded, might be the subject of consideration in the House. He did understand that a mode of proceeding had for a considerable time obtained in the law courts, especially at the suit of the crown, which, if it did exist, was extremely improper and highly reprehensible. He thought it for instance a great hardship that the master of the crown office should have in his discretion the nomination of juries, by passing over the names of such persons summoned on the pannel as he thought fit, without calling them on their fines, upon the mere plea that they could not attend, and retaining such names as he thought fit. Further he was informed, that where a special jury found a verdict for the crown, it was usual to pay each man two guineas; where their verdict was against the crown, they received but one guinea per man. This he thought a most indecent practice; and although he would not so far impeach the integrity of special jurors, as to say they would be biassed in their decisions by the consideration of a few guineas, still it caused all the appearance of holding out encouragement and renumeration for verdicts in favour of the crown, and against the subject, and was incompatible with impartial justice. Another practice he understood to prevail was, that special jurymen, who had been summoned over and over again, if once they found a verdict against the crown, it some how or other so happened, they were never summoned afterwards. Another practice he understood to be common and uniform with courts;

namely, that the crown always paid to the officers double fees. He would not say this custom had the effect to bias the cause of justice, but it was obviously calculated to give to the crown a preponderance in those courts. These, however, would afford matter for future consideration; for the present, he should only move that this petition, and another on a similar subject which he held in his hand, might lie on the table, with a view, if it should be expedient, to refer them to a select committee at a future day, provided it should appear they stated nothing contrary to facts. There was another point of extreme hardship in the petitioner's case, namely, his being sent from London, the place of his conviction and also of his business, his connections, and livelihood, to the gaol of a far distant county, under so severe a sentence as three years imprisonment. This was, indeed, a case of excessive severity, and not only by which the prisoner's health and even his life were risked, but his business ruined, and the means of maintaining of his family taken away.

Mr. Calcraft repeated his declarations on a former night, as well with respect to Mr. Wakefield, as the gross misstatements made by Mr. White in his former petition, and which mis-statement was now acknowledged by himself, namely, that instead of being refused the daily admission of his wife and family, he had enjoyed that privilege in the fullest exercise ever since the 25th last November. The honourable member stated, that Mr. White had enjoyed every possible indulgence in any degree compatible with his situation; that his apartments were as good and convenient as any of his majesty's officers occupied in barracks. But the treatment of prisoners in Dorchester gaol was eminent for its humanity; and the magistrates of that county thought it an extreme hardship to have thrown upon them persons of Mr. White's description, convicted in a distant county, whereby they were exposed to much obloquy, as well as ingratitude for their humanity and attention, particularly in the case of Mr. White; and that he had appealed to the judges to this effect at the last assizes, and intreated for the future to be exempt from similar instances.

Mr. Windham thought that the petitioner, so far from being justified in complaints of severity, had, from his own shewing in the petition, every reason to be thankful for the indulgence and attention he received. In fact, all

that he had proved by this long and laboured remonstrance was, that a gaol was a gaol, and confinement was confinement. He seemed to forget that he was suffering for a crime an imprisonment, which he (Mr. Windham), must believe, to be well deserved, at least until the contrary was proved. But while this man was receiving more indulgence and accommodation than he would be allowed in any other gaol in the kingdom, and much more than any other prisoner in the one he inhabited, he seemed to forget the privations to which other prisoners in the same gaol submitted in silence, and to put himself up as a person of such high aristocratical consequence, as to be the sole and prominent object for consideration, and not to be put on a footing with other sorts of persons in the same gaol, such as those held in for fines, or transgressions of the revenue laws, or merely for debt, and not any crime. One of the complaints was, that the yard in which he was allowed to walk, was of a circular form, and that these rotatory perambulations affected his head! He might then square the circle, or traverse it in direct lines. But it was not to be supposed the county prison was to be built according to his taste. Another complaint was, that he was only suffered to walk in the garden half an hour at a time, accompanied by the gaoler. Was he then to enjoy this indulgence without the vigilance of a keeper to prevent his escape? or had the gaoler no other occupation for his own time or attention, than to devote himself to the attendance of this Mr. White, as long and as often as he chose to walk in the garden? There was no fact stated in his petition that could be considered as any grievance to a person sentenced for a crime against the laws; and was it to be supposed that the confinement intended by law as a punishment for crime, was to be mitigated in the case of Mr. White into all manner of accommodation and indulgence. He would not oppose the petition, but he felt it his duty to speak his sentiments upon the subject.

The Attorney General, in reference to Mr. Whitbread's assertions respecting the two guineas given to special jurymen in cases of verdict for the crown, and the usage of discontinuing to summon special jurors who should once give a verdict against the crown, utterly denied the existence of such practices in any of the courts within his memory. He believed indeed the former practice did sometimes take place, many years since in the court of

Exchequer, but had never occurred for a great number of years, and it was a practice which he abhorred, as disgraceful to the administration of justice. With respect to the partial summoning of jurors, as he himself did not summon them, he would not undertake to say any thing of the fact from his own knowledge. But he was confident that any officer of the court who would venture on such a practice, would certainly lose his place.

Mr. Marryatt said he was frequently in the habit of being summoned as a special juror. He had frequently found verdicts as well against as for the crown, and he never experienced any difference on that account.

Mr. Ashley Cooper read a letter from a brother magistrate at Dorchester, stating Mr. White's own declaration to the visiting magistrates, at the last assizes, that he had no complaint to make whatever.

Sir Francis Burdett said he was glad to hear the right honourable and learned gentleman so strongly reprobate some of the practices alluded to by the honourable gentleman who brought forward this petition. He was sorry, however, to find him passing over other practices stated in this petition, and alluded to by the honourable member, wholly without notice, although grievances more serious than the practice he had reprobated: the right for instance assumed by the executive government of transporting persons convicted for libel to distant parts of his majesty's kingdoms. This was no new question; no novel ground of dispute in that House. He flattered himself that the practice had been relinquished and abandoned for ever, and confessed he was much surprised to find it revived again in the case of the petitioner. There was another point in which the learned gentleman had given no opinion, that of striking juries to try persons on criminal prosecutions for the crown, at the mere discretion of an officer of the court, whereby the crown, which appointed the judges, also appointed the jurors, and thus became accuser, judge, and jury in its own cause. He did not know whether such a practice was according to law, but it was one which was every where reprobated, and ought to be discontinued. There was also another practice equally oppressive to the subject, particularly in cases of libel, and which he supposed was retained in compliment to his majesty's attorney General. It was that of filing informations ex officio, and one not less reprehensible than that of

paying jurors double for their verdicts in favour of the crown; and what chance of justice remained for the accused where the court and jury are appointed by the crown as accusers? With respect to the usage of sending persons convicted of libels to distant gaols, it would come before the House at another opportunity more favourable for discussion; but at present he would only remark it was a custom of great cruelty and severity, and equally unconstitutional and unwarranted, he believed, by the law. The punishment of three years imprisonment was of itself extremely hard for a misdemeanour, in no case punished by above six months imprisonment till of late years. But when to this was added the transmission to a prison of two or three hundred miles distance from connexion, family, business, and source of livelihood, absolute ruin is superadded to the severe sentence of the law. An honourable gentleman below him (Mr. Windham) seemed to think there was no hardship in the case, because the prisoner was confined in common with other prisoners of the county, and was allowed the intercourse of his family. But there was this difference on his part, that he was confined in a far distant country from his own, and the indulgence of family intercourse was maintained at an enormous expence. He was happy to find, however, the question was in such able hands.

The Chancellor of the Exchequer thought the honourable baronet's speech was founded on a misconception which had before been corrected, viz. that the executive government had sent the petitioner to Dorchester gaol, instead of his being sent thither by the solemn decision of a court of justice, for a crime of which he had been legally convicted. If he had any complaint to make against the manner in which the jury who tried him was constituted, he should have made application to the court, and endeavoured to obtain redress through the proper channel. The executive government had not sent him to the place of his confinement, so there was no ground for the severity of animadversion which the honourable baronet had bestowed on it, nor need there be any dread of the county of Dorset being burthened with all the criminals in the kingdom. He hoped the House would be cautious how it received statements of this kind. The petitioner, among other things, complains of the charge of the judge to the jury who tried him. That judge, who acted upon his

oath, said, that the libel for which he petitioner was tried was one of the grossest he had ever heard. When such was his opinion, he might very naturally deem it his duty to comment upon it in such terms as he thought it deserved; and the court were, afterwards, no doubt, guided from the same principle to adjudge him such a severe punishment as they thought his offence merited. He hoped, therefore, the House would not be inclined to give credit to allegations which seemed, from all he had heard, to be so slightly founded. He did not mean to oppose the motion, or to prevent the petition from being laid on the table; but he could not avoid making those observations before he acquiesced in it.

Sir F. Burdett, in explanation, said he had not spoken from any misconception. What he meant by the executive government having sent the petitioner to Dorchester gaol was, that the executive government appointed the Attorney-general, who prosecuted *ex officio*, and also appointed the judges and the jury who tried him, and so far he looked on it as the act of the executive government.

The petition was then ordered to lie on the table.

Mr. Whitbread said he had another petition from John Harriot Hart, a person confined in Gloucester gaol for the same offence, and who was tried at the same time as Mr. White, as the printer and publisher of the paper. There were two circumstances mentioned in this petition, which appeared to him to be very severe, and somewhat extraordinary. He complained, that he was prevented from using any fermented liquors. This he thought very hard, for in many instances such liquors were deemed absolutely necessary for the preservation of a man's health, and therefore the indiscriminate and total denial of them seemed very harsh. Another complaint was, that all letters and papers sent to him were subject to inspection. This was very different treatment, and much more severe than that of Mr. White, and he was surprized it was permitted, as justice seemed to say decidedly, that for the same offence there should be the same measure of punishment. He would not say whether he should bring forward any motion on the subject till the question in the House of Lords was determined; but he hoped that in the mean time those who had it in their power would take care that justice should be fairly dispensed. In allusion to what had fallen from an honourable friend of his on the

other side of the House, that he was surprized he would present a petition from persons who were of that description, viz. libellers, his answer to this was, he thought that a strong reason why he should bring it up; for obnoxious persons were generally those seized on by the executive government, and were the means by which such proceedings creep into practice, and which might afterwards become detrimental and injurious to the subjects in general.—The petition was ordered to lie on the table.

Mr. Eden gave notice, that he would to-morrow move for the production of certain papers, to elucidate the correspondence between Mr. Frere and Sir John Moore, and particularly relating to Mr. Frere's letter of the 3d of December.

Lord Temple said an honourable friend of his had given notice for him of a motion he intended to bring forward, and which stood for Friday next, viz. the conduct of the war in Spain. He understood there was some business stood for Thursday, which was likely to occupy the time of the House till late; and as two following nights of debate might be inconvenient, he wished to postpone his motion to the Tuesday next, when he would certainly bring it forward.

Mr. Ponsonby gave notice that he would to-morrow move for copies of nine letters, with their inclosures, written by Sir H. Dalrymple to Lord Castlereagh on the subject of Spain, previous to the 25th of May last.

Mr. Canning presented at the bar copies of a note from Admiral Apodaca to himself (Mr. Canning), and his answer to the same, pursuant to the order of the House.—Ordered to be printed.

OFFICES IN REVERSION.

Lord Porchester requested the attention of the House to a few observations he had to submit to their consideration, previous to his bringing forward the motion of which he had given notice. The bill which it was his intention to move for leave to bring in, was, word for word, the same as that which had already twice passed that House, but which had as often been rejected by the House of Lords, on the ground of its being desirable the business should be further considered, which had already received the most ample investigation and discussion, and which had been the subject of a protest which stated as

have been made merely for a shew of signatures, at the head of which stood the names of princes, but among whom the House had the satisfaction to reflect, that the name of the most illustrious branch of the family, and the most immediate to the throne, was not to be found. The nature of the bill was perfectly well known to the House: for the value of it he would refer them to the third report of the committee of finance. As to any objections there could be to the bill, there was only one which he could anticipate, viz. that this was not a convenient time to bring forward such a measure. He was of a different opinion; he thought this was just the most convenient time that could be hit upon for the purpose, and that the least procrastination would be injurious to the interests of the public. The Chancellor of the Exchequer had just acknowledged there was no great pressure of business; but if there was, it was their duty to make time convenient when they had important duties to discharge, and he trusted they were now re-assembled for the purpose of following up the wishes of the House and of the country. Delays were always injurious, and in these stormy times in which we live every to-morrow brings its griefs and difficulties along with it; and if they suffered them to go on accumulating, they might grow too cumbrous to get rid of. Whenever they sent to the lords this bill (and he hoped the House would decidedly determine to do so, as soon as it could with convenience be passed), he supposed they would be told that there was no necessity for it, as we have at this moment a suspension bill, that prevents the disposal of places in reversion, till six weeks after the meeting of parliament in the next session. But this was a strong argument in favour of the bill being now brought in and passed, for if it was not carried in the course of the present session, six weeks would be too short a period, and the lords might take advantage of the circumstance, till the House had driven their lordships into a corner, as they had done before in the case of the non-residence bill, and urge that as a reason for rejecting the bill; in which case, the suspension bill would expire, and many offices might be granted in reversion which could not be abolished till after the death of the grantee, who was frequently an infant at the time of the grant. Six weeks was therefore too short a time to trust to; the suspension bill took

eighteen weeks in passing through both Houses, and it behoved the House to do its duty, and take time by the forelock—they must speak plainly the truth. Princes had frowned on their undertaking, and when princes frowned subjects were apt to tremble. Was it to be supposed that the House would by delay put them in better humour? Was it in that manner that Magna Charta had been obtained by our brave ancestors? Was it by waiting, like needy suppliants at a minister's levee, that they were to expect to carry their point? No, they must be strenuous, active, and determined, otherwise they would continue to fail as they had hitherto done. He was glad to see a full attendance of ministers, if they meant to oppose the bill, he hoped they would do it in a manly way. Let them not give sinister support and silent opposition. Let them not come with their amendments to instruct the House how to model their conduct and the bill, so as to be agreeable to the lords. If advice they will give, let it be to princes to respect the proceedings of that House, and not to the House to study the pleasing of princes. Let them seriously shew those princes, that the wealth and splendour with which they are invested, comes from the liberality of the people, through the medium of that House; and that notwithstanding they are indeed the rich foliage of the Corinthian capital, yet the strength of it is in the shaft. When a prince took upon him to write to that House, there could remain but little doubt he had met with those in that House who had been ready to aid him with advice on the occasion. Let them extend, that advice where it is fully as much wanted, or they would not fulfil the duties of their station. If they faultered and wavered in so doing, they might shew they were ready "to ride on the whirlwind," but totally incapable of "directing the storm." The times were severe and scrutinizing. On this occasion, the conduct and character of the House was more at stake than at most other times. The present was a period in which measures were not of much weight, unless supported by character. It might, perhaps be objected to the bill that it was a bill of selection; it was well known reversions were given to children, and, therefore, the offices to be abolished must be selected. Feeling this a part of a system to which the House had pledged itself, he was anxious to know if they would follow up

their measure. They were now called on to decide an important point. Having carried a measure of great political magnitude, which had been rejected by the lords merely on the ground of obtaining time for inquiry, and the lords had now the report which afforded them the fullest information on the subject, it became the duty of that House, by passing the present bill, to shew that they were as much and as feelingly alive to the public interest as when they first brought forward the measure. He would not therefore trespass further on their time, but moved,

"That leave be given to bring in a bill to prohibit the granting of offices in reversion, or with benefit of survivorship."

The Chancellor of the Exchequer said, he was surprized at the vast importance with which the noble lord had ushered in his motion. Whatever others might have done, he had never disguised his sentiments respecting the bill in question; he had never conceived that it would injure the prerogative, or that as a measure of economy it would even be advantageous to the public. He then proceeded to state his sentiments very shortly against the present bill. There was already a bill to prevent those grants till six weeks after the meeting of parliament in the next session. The House had the report on this subject, which, according to a notice given, was to be taken into consideration in the course of next week, in which they would have an opportunity of revising the subject. The bill might be attended with inconveniencies, but with no possible advantage to the public. He had no other object but to induce the House to pause; there would be plenty of time in the course of next week to take into consideration what places it would be proper to abolish, and he thought the best way would be to wait till they had the advantage of that inquiry and investigation.

Mr. Banks said he had not come forward with this motion, because, from the general view which he took of it, and the most mature consideration of all the circumstances, he thought it most wise to defer any further consideration of the subject to the next session. However, though he did bring the existing bill into the House when it first originated, yet aware as he was that, when once brought in, it became public property, he could not help saying he wished the noble lord who had taken it up

every success. If he (Lord P.) entertained a different opinion of it, and of the policy of bringing it forward at this time, he had undoubtedly done right. He had himself, in the last session, brought in his second measure not from choice but necessity, prudential reasons operating on his mind to press no further at that period the bill for restraining the prerogative. In this line of conduct he had been supported by the arguments of the Chancellor of the Exchequer; and in the third report, which had been since brought in, the question had been moderately, coolly, and he hoped constitutionally discussed. He had it not in his power to carry his wishes to their full extent, but he was glad to do as much good as he could, though he could not do all he wished. A temperate discussion of the bill, now that it was brought forward, was certainly most advisable; and he, entertaining his former sentiments with respect to it, would of course give it his support, though he would much sooner it had not come at present under their consideration. He must do the Chancellor of the Exchequer the justice to say that his opinions on the bill were uniformly the same, and that he never had expressed any sanguine hope of an economical result from it. In this point, however, he undoubtedly differed from him, and could not help thinking that much retrenchment with great public advantage might take place in many offices, such for instance as in those of tellers. He had been induced thus shortly to state his sentiments on the bill, in order to set the House right as to his views of it, and that they might see he was not actuated by any spirit of indifference on the occasion, or could be induced to abandon a measure in which the good of the country was interested. He thought there was time enough for a full consideration of the bill in six weeks which had been reserved for it in next session, and much wished its discussion had been deferred to that period; but since it was come forward, he would support it to the utmost.

Lord H. Petty observed, that after the great length at which the noble mover had gone into this question, it was not his intention to investigate its merits very largely. He could not help, however, remarking shortly upon the arguments of the Chancellor of the Exchequer, as they appeared to him to be very extraordinary. He began by remarking that he did not think this bill likely to be attended by any economical effects. Now he would only ask him to appeal to the limited reforms of Mr. Pitt, of

all the reforms in this country, and of all the ministers in Ireland, and he would see that the grand obstacle to all rational reform was this very reversion system. Had it been in time abolished, they and the public would not now be pressed as they were by the multitude of places both here and in Ireland. (*Hear!*) The right honourable gentleman had objected also in point of time to this bill. What was there then so very pressing between this session and the next, to prevent its present discussion? He knew of nothing; the case would, indeed have been altered, had it been a new measure, unconsidered of, and never before the subject of discussion; but this which had been repeatedly argued, and which had been even carried unanimously, could surely now need little time for its deliberation. It could not need the reflection of a year to mature it. He (the Chancellor of the Exchequer) had however even gone to study for the purpose of objections, and had found out in his researches a notice of a motion on the order book. Now he could not anticipate what that motion might treat of, and so should not have made it the ground of an objection. For his part, he hoped, that motion would treat of many more subjects, and take a much more comprehensive scope, than that which the reversion topic afforded. But even supposing it did treat of places in reversion, how did that or could it militate against the present bill? Leaving those objections, if, indeed, they could be called objections, quite out of the way, there was one point which he should consider as conclusive on the subject, and that was the respect due to the House of Lords; this was a bill on which, although there subsisted but one opinion in the lower House, still in the upper one much difference was known to exist. Why not give them time then for full and mature deliberation? The importance of this bill had even been attempted to be deprecated; and the right honourable gentleman chose to denominate it "a specious pretext of reform!" When it was first stated, however, even he agreed to it, and of course if it was only "a specious pretext of reform," he in supporting it aided its speciousness, and abandoned his duty. (*Hear, hear!*) He entertained a very different opinion of it, and therefore would support it: he would support it now, too, because he respected the House of Lords, and did not see the necessity of delay in the Com-

mons, where the minds of all were unanimous on the measure.

Mr. Tierney remarked strongly upon the silence of ministers, whose speeches were withheld, but whose opinions might be guessed at. He was of course reduced to the necessity of stating his own opinions generally on the bill—answer objections he could not, for none had been made. One point, indeed, and one only had been made, and that was with respect to time—the six weeks of next session would, it was said, be sufficient for the discussion of the bill, and were purposely allowed for it. The six weeks were allowed for no such purpose; but they were allowed to guard the House against a strained exertion of the prerogative in proroguing Parliament during this session, before the House had come to a decision on the subject. (*Hear, hear!*) It was said that we need not be in such a violent hurry now to render this bill perpetual, because while the suspension act continued, no place in reversion could be granted. What! was he to be told this, when on this very suspension act passing, a minister had been bold enough to say, that he would advise his majesty to grant a place in reversion immediately, and that for no other reason than because such a bill had passed! (*Hear, hear!*) The Lords had before objected to the bill. Did the Chancellor of the Exchequer know that the Lords had changed their minds on the subject? If they have not, send the bill then to them in time, and let them deliberate fully upon it. Let the people see that we were interested, as far as we could, to relieve their burthens. He was no advocate for giving way to popular clamour, but he would never advise any set of men to oppose right by way of shewing that they would not succumb to it. (*Hear, hear, hear!*) Would it not be a pretty thing to say to the people (by way of evincing spirit), "we have agreed on a measure for years; but now, since we see you wish to have it carried, we will disagree to it, and there's your clamour for you?" He would ask the Chancellor of the Exchequer had he any measure to ground upon the third report? What! he has not; he would have it lie on the table a dead letter, and he would demand as a consequence of such conduct, the confidence of the people. (*Hear, hear!*) He was glad this third report had been made the subject of the motion, though he confessed he would wish it had come from those in power, because their official authority

would have given it more weight. Those in power, indeed, and the Chancellor of the Exchequer in particular, seemed to be bolder and bolder every day against reform. Why? Because popular clamour was raised in its favour perhaps. He would advise him and his colleagues to abandon such a course—he would seriously advise them not to treat too lightly the heat of the people. Why was the Chancellor of the Exchequer so strenuous against reform? Why did he not endeavour to retrench unnecessary expences, useless offices. A noble relation of his (we suppose Lord Arden) held a situation, or indeed two situations, whereof the proceeds were 25,000*l.* a year, of which, for the collection, 23,000*l.* was expended, and in whose hands for the last seventeen years, an annual balance of 200,000*l.* remained. He would support the motion as tending to diminish the too great influence of the crown, and to reduce the unnecessary expenditure of the public money.

Mr. Whitbread commented on the surprizing silence with which ministers were afflicted all of a sudden; it was one of their periodical fits. He remembered, indeed, one occasion on which a plain blunt man, telling a plain blunt story, produced a splendid tirade from the right honourable gentleman opposite; but now he seemed completely dumb, there was no getting a word from him. The Chancellor of the Exchequer had, indeed, condescended to give his opinion on the subject, and what had he said? Why, indeed this bill would produce very little saving. For his part, he always looked with a jealous eye at such expressions. This bill might produce a little saving, that bill might produce a little, and the other bill produce a little, and all these little savings rise to something considerable. He was an advocate for a partial reform, but he would not go too far; much, however, was to be done before that could be objected. Many reports on the table had yet to be considered, and those reports would, if properly attended to, prove a mine of wealth. Much saving might yet be effected by economy. "*Magnum vectigal, parsimonia*" was an old and true saying. But this saying could not be effected, because the people thought it necessary. The Lord Chancellor had, it seems, said he would advise the king to grant an office in reversion, merely because the suspension bill was passed. Perhaps he would wish to give that advice in order that his royal

master might fix upon him for the reversion. (*A laugh.*) That noble lord is, it seems, a great reversionist himself, and on that account would not wish so good a thing should be abolished. The Chancellor of the Exchequer too deprecated the nomination of committees, "wide-wasting" committees, as he called them—they did waste a little indeed—they wasted the bank a little, and they wasted the East India directors a little, and they were even powerful enough to waste the Dutch commissioners. (*A laugh.*) Oh! they were indeed "wide-wasting" committees. He hoped ministers would be pleased to deliver their sentiments on the subject—their silence, indeed, reminded him of an old story which he once heard of the monkeys. The monkeys, it was said, could speak if they would, but they were too cunning, for they knew if they spoke they would be made to work; and just so the ministers chose to remain dumb, lest they might be employed.

Mr. Canning did not see what right he had to be called on to speak unless he chose it; it was a subject on which he thought he was entitled to use his own discretion; no inference at all events could be drawn from his silence; he had voted in favour of the suspension bill, when it was first brought forward; he had voted for its remaining in effect to next session, and he did not speak now because he did not wish to interrupt the progress of a bill for the continuance of which he had formerly voted. He stated the arguments of those in favour of and against reversions; and, without saying which opinion he himself held, he defied any man in existence, with all his ingenuity, or with all those arts which often stood in the way of ingenuity, to affix a stigma to them who held either; he said he had never heard the story which had been applied to the Lord Chancellor, nor without meaning any disrespect to Mr. W. he did not believe it. He voted against the motion.

Mr. Ponsonby said it was a strange way of obstructing an act to give it a perpetual operation. It was a very odd way of obstructing an act. He could not agree even with many of his own friends who had spoken, that it was a bill of little importance; if carried, he thought it would have a considerable effect in diminishing the influence of ministers, who, on questions in which he was interested, chose to anticipate time itself, and press the resources of futurity into his possession. He would

vote for this bill now, because, if it was carried in the Commons and sent to the Lords, and that the Lords thought proper to reject it, then the Commons might have time to reflect upon what steps they were to take.

Lord Porchester rose to reply. He observed that the whole weight of the right honourable gentleman's argument rested upon the circumstance, that some public inconvenience might arise from the adoption of the measure. For his own part, he could not perceive any inconvenience that could be the result of the adoption of the measure, though he was firmly persuaded that great practical injury must result from procrastination respecting it. Why should the members of that House throw themselves upon the mercy of his majesty's ministers, or why should they defer the consideration of the measure in compliance with their views? The right honourable secretary (Mr. Canning) had stated, how nicely balanced his own opinion was on the subject, and that he wished to leave it to public opinion to decide; but it was somewhat extraordinary, that the vote of that right honourable gentleman was to be in opposition to the opinion of the public. But the right honourable gentleman contended, that the course he pursued was founded upon the impression, that the contrary would be productive of danger to the safety of the public. His majesty's ministers, however, did not appear to him to meet the question fairly; they opposed it on the ground of inconvenience, but they passed by the interest which the public had in passing the measure. Upon the integrity of the House of Commons was placed the surest hope and firmest reliance of the country. It had been said that this measure was not comparable to Magna Charta; but the principle of the bill was more compatible with the spirit of that instrument than the spirit of those who opposed it was compatible with that of those who supported Magna Charta. On the whole, therefore, he should persevere in his motion, and leave to the House to determine whether or not leave should be given to bring in the bill.

A division then took place.

For the motion - - - -	106
Against it - - - - -	121
Majority - - - -	15

LOCAL MILITIA.

Lord Castlereagh moved the order of the day for the third reading of the local militia bill, which was done.

A grant was then proposed of 200*l.* for the relief of the inhabitants of the Faro islands, who had been plundered by a vessel carrying letters of marque, commanded by Baron Hompesch.

Some conversation arose upon this ground, and objections were made by Mr. Whitbread and Lord H. Petty.

Mr. Perceval observed, that perhaps Baron Hompesch was strictly entitled by law to make a descent on these Danish islands, and do as he had done. The admiralty, however, thought it such an abuse of the power, that they withdrew the letters of marque from him, and government had thought it necessary to give some relief to the sufferers.

It not having been ascertained whether Baron Hompesch is now in the country or not, the grant was for the present withdrawn.

Another conversation took place on a grant of 6150*l.* for goods furnished to the colony of New South Wales. Mr. Whitbread asked, whether this colony was really likely to be at all serviceable to this country, and what was the state of it?—The Chancellor of the Exchequer said, that this was a subject belonging to the department of his noble friend (Lord Castlereagh), who was not in the House. The supplies, however, which were now to be paid for, were absolutely necessary.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 25.

ABUSE OF PATRONAGE.

Lord A. Hamilton said, that in rising to state his reasons for now bringing forward the motion of which he had given notice respecting a noble lord, it was he believed scarcely necessary to preface it with many observations; but that he might not lead any one into an error on the subject, he would as concisely as possible proceed to state what it was he intended to move, and if he should in so doing take any step which might be supposed at all con-

trary to the rules and practice of the House, he should doubtless be corrected and set right. He believed it was not against any rule of that House to move a censure against a member of it; and as in the present instance it was his intention to ground his motion on the evidence which had come out before a Committee appointed by the House to inquire into the existence of abuses in the disposal of Indian patronage, he should in the first place move that the evidence be read; after which, he should submit to the consideration of the House a resolution of censure on the conduct of the noble lord opposite to him (Lord Castlereagh). He begged the noble lord and the House to believe his assurance, that in bringing forward the present motion, he had no personal animosity or hostility to the noble lord, except in what related to his official character, and the manner in which it was his opinion the noble lord had so greatly misconducted himself. There was one remark, and one only, that he would make respecting himself, viz. his reason for undertaking to bring forward this motion. It would readily be in the recollection of the House, that from his first having the honour of a seat in it, he had appeared, perhaps more forward than many others, in bringing under their attention and consideration, delinquency of every kind which came to his knowledge. He thought, therefore, he should be reprehensible in the highest degree, if he had been at all backward on the present occasion, which struck him, on the first view of it, as of more than common magnitude. About two years ago, he had taken a very strenuous part in endeavouring to bring to light the mal-practices of Mr. Alexander Davison, in the secret and hidden causes and practices of corruption; and it had at all times been his first wish and desire, to expose and lay open such base proceedings to the indignation and reprobation of the House. Having hitherto done this in several instances, he thought it a duty peculiarly incumbent on him to bring forward the present motion; for of all the functions belonging to members of that House, it was highly necessary they should act in such a manner as to preserve a character of respect for themselves, the first body of men in the kingdom, as representing the whole of the people. In doing this, he meant strictly to confine himself to the evidence; he meant not to make any charge against the noble lord but what is actually contained in

the evidence before the House, and in the confession of the noble lord opposite to him. It seemed to him therefore, at first, that nothing more would be necessary than to read the evidence; but when he reflected on the respect which was due to the House, he conceived that it would be more seemly in him to make a few comments and observations on the whole transactions as he gradually developed it, and he thought he had every reason to believe the result would be, that the House would shew that they were not any party to the transaction.

It appeared to him to be necessary to state in the first place what he thought the nature of the case. In the year 1805 the noble lord received a letter from a Mr. Reding, an entire stranger, and offering, he believed, a seat in parliament. He (Lord A. Hamilton) should have thought that when such an offer had been made, it would instantly have induced the noble lord opposite to him to bring the person so offending to as speedy punishment as possible; instead of which it would be found, that the noble lord told Mr. Reding "he did not want a seat in parliament for himself, but a friend of his did." The object of Reding was not to offer a seat in parliament for money, but for a writership; and the charge against the noble lord was, that he had disposed of his patronage of a writership to Lord Clancarty, to obtain thereby a seat in parliament. It appeared from the evidence of Lord Clancarty, that having mentioned the circumstance that the seat could not be obtained but for a writership, he (Lord Castlereagh) told him that he had a writership undisposed of, to which he would be happy to give him (Lord Clancarty) the recommendation. And on the examination of the noble lord (Castlereagh) before the Committee, he confessed "that he was induced to place a writership at Lord Clancarty's disposal, and that the impression under which he did it was, that Lord Clancarty's coming into parliament might thereby be facilitated."

Lord A. Hamilton said, that if he were to submit that single resolution, and move a censure on it, he thought it would be impossible for the House not to agree to it; for were it otherwise, he did not see how any delinquency could hereafter receive censure, if this were passed over. The evidence of Lord Clancarty, he said, was equally important and forcible with that of the noble lord opposite to him, and went exactly to the same point. He would

now, therefore, request the attention of the House to such other parts of the evidence as appeared to him to bear most strongly on the case. The evidence of Mr. Reding was very long, and he did not think it necessary to go into it further than would be requisite to lead to two or three observations and comments which he deemed to be due to it. Reding was asked what conversation he had with Mr. Davies upon the subject? A. The conversation I had with Mr. Davies upon the subject was—a party wanted a sum of money, but the other party were to give a seat, and this money was to go in this sort of negotiation.—Q. Was the sum of money to go to procure any appointment under the East India company? A. Yes, in one shape, but the seat was to be given to those who could get that appointment made.—Q. Was a writership to be procured by the sum of money to be so given? A. Not without getting a seat as a remuneration for the writership, which did not take place, and it died away."

His lordship then said, there was one other person whom he must introduce to the notice of the House, and it was not the smallest part of his regret, that such third person was a peer of the realm.—(We suppose his lordship alluded to the late Marquis of Sligo, whose name is particularly alluded to in Reding's evidence, as the person who had the seat in parliament to dispose of.)—What then, continued he, would signify the bill of the Chancellor of the Exchequer, now on its passage through the House? Of what signification would be the annual resolution of that House against corruption? How was it possible that any administration, or that House, should hereafter expect any future delinquency proved against the smaller classes of society should be punished by them, when two persons, one a member of that House, another late a member of the board of controul, and the third a peer of the realm, should, in this clear and unquestionable manner, have been proved guilty of so gross a violation of the rules and constitution of the House, and that they should suffer it to pass without their strong and marked reprobation? For his own part, he did not affect to have a greater sensibility on this subject than any other individual member, but he thought it was totally impossible for the House to pass it by. He could not but notice a variety of situations in which the noble lord had been placed which should have deterred him from embarking in this

unfortunate transaction. The noble lord must, as a member of parliament, have concurred in the various censures that have taken place since the noble lord had a seat in it, some of them for offences of the very same complexion, and which one would suppose must at the moment have suggested themselves to his recollection. The noble lord was also a servant of the crown, had long been so, and as such it was his bounden duty to protect and defend not only the House of which he was a member, but the government, of which he was a confidential servant, from every attempt and attack of the hydra corruption. If, however, there could be one circumstance attending this transaction that was more aggravating than the rest, it was his holding at the moment the office of president of the board of controul, whose peculiar duty it was to check and crush every corruption which came within the scope of his high situation, instead of which he had been proved, even from his own mouth, to have abused the trust and confidence placed in him, and to have violated them in the highest degree. It was said that the noble lord had given in to the Committee, on oath, a list of his patronage, as president of the board of controul, and the particular instances in which it had been used. He (Lord A. Hamilton) was altogether at a loss to discover by what law or usage the noble lord, as the president of the board of controul, could have any patronage at all. There was a clause in the act which appointed and formed that board, very nearly prohibiting that; and yet the noble lord had not only disposed of patronage, but he had done so in the most reprehensible manner, in a way which called loudly for a double degree of censure. If, however the noble lord would contend that his patronage was legal, he was nevertheless subject, most unquestionably, to all the regulations, rules, and restrictions incident to the directors of the East India company. He (Lord A. Hamilton) would be sorry to state any thing on the present occasion that was not founded in truth and justice, but every man was liable to error and misinformation, and if he was incorrect, he hoped some one better informed would do him the favour to set him right. If, however, he was correct, the noble lord's conduct must appear in a still more heinous light. It could scarcely have escaped the observation of the noble lord, and if it did, he (Lord A. Hamilton), thought it must have occurred to him in

the conversation with Lord Clancarty, that when he spoke of the person to whom that particular patronage was to be given, the noble lord told Lord Clancarty, that the person to be so appointed must be such, in point of character, as the court of directors were entitled to expect to be placed in their service, in consequence of any nomination they had placed at his lordship's disposal. How then the noble lord could permit that patronage to be disposed of in the way the noble lord had shewn himself ready and willing to dispose of it, he (Lord A. Hamilton) confessed he was at a loss to account for.

In page 7, of the report of the Committee, it appeared that the attention both of the legislature and of the East India company had, at various periods, been attracted to abuses which were supposed to exist in the disposal of their patronage, in consequence of which, at the time when their charter was renewed, an oath was framed to be taken by each director, within ten days after his election, containing, among other engagements, the following: "I do swear, that I will not, directly or indirectly, accept or take any perquisite, emolument, fee, present, or reward, upon any account whatsoever, or any promise or engagement for any perquisite, &c. for or in respect of the appointment or nomination of any person or persons to any place or office in the gift or appointment of the said company, or of me, as a director thereof, &c." 33 George III. c. 52. sec. 160.

In the bye laws of the East India company, ch. 6. sec. 5. a penalty is imposed on every director taking any reward on account of any appointment, in double the amount of such reward, two-thirds of which to the company, and one third to the informer; and such director is rendered incapable of holding any place whatever under the company. "Now," said Lord A. Hamilton, "I contend, that the above regulations are as much in force against the patronage of the noble lord, as president of the board of controul, which, I insist, he had no right to dispose of, as they could possibly be in regard to the patronage of directors." What then would the House think of this attack on its purity and disregard of its constitution and of its rules, when they saw that the high and important office which the noble lord had held so long, had been made an instrument for the worst of purposes; and that, directly in the teeth of an act of

parliament, as well as of a bye-law of the East India company?

He confessed he should be sorry to mention the name of any other person who had been concerned in this transaction further than was absolutely necessary, in order to shew it in its true point of view. He would ask, therefore, if it could be supposed possible that Lord Clancarty could have deceived the noble lord on the opposite side of the House. He (Lord A. Hamilton) believed he could not have done so; but if he had so deceived the noble lord, he must have still connived at the transaction. "I am happy," said Lord A. Hamilton, "to see the noble lord indignant at this mention of the transaction, but he would have done well to have shewn it before the evidence had been produced." But when it was recollected that he was president of the board of controul for so many years; that Lord Clancarty was a member of the same board; and that Reding, a party to the transaction, had never excited that indignation till his refusal to discover the parties, he thought those feelings of indignation had been very tardy in shewing themselves. He did not wish to be hard upon the noble lord opposite to him, but he really thought that merely reading the evidence must obtain the censure he should move for: but out of respect to the House, he had deemed it more decorous to preface it with the comments he had made, and should still make on it.

He would now beg leave to call the attention of the House to a feature of the transaction which carried with it a feature of disdain. In page 61 of the evidence Mr. G. Davies was examined. There had been some correspondence, and the noble lord's name stood opposite to it. A Mrs. Groves was a party to the transaction about the writership, and Davies in his examination said, that Reding was employed by her to go to a peeress, and he conceived that name was mentioned in a confidential way to him, and he was not at liberty to impart it. Q. Have you ever written about it to any body? I believe I did to her lord.—Q. Do you believe that the transaction was to take place through that lady? A. Mrs. Groves assured me that was the case.—Q. Did the transaction take place? A. Certainly not; Mrs. Groves explained there was a change in administration, and that it was a board of controul appointment.—Q. Who was at the head of the board of controul at that time? A. I don't know.—Q. Did she

not mention by whom it was to be given to your friend? A. A noble viscount was mentioned to me.—Q. Was not Lord Castlereagh the person mentioned? A. He was.—Q. Was Lord Castlereagh the person to whom you wrote, communicating these circumstances? A. He was.—Q. How long ago was that transaction? A. It was in the beginning of 1806; it was at the moment of the change of administration that she applied for it. When I wrote to his lordship, he requested me to call at his office in Downing-street, and I did so that day.—Q. Did you see him? A. No; he was at the council, and I received a note the next day, acknowledging the receipt of it, and requesting I would explain every thing, so that the party who had made use of his name should be detected.—Q. Did he decline seeing you? A. No; so far from that, his servant delivered to me his compliments, and desired that I would call at his house in Downing-street, and if he was not there, to go to the House of Commons?—Q. You have not seen him? A. No, I have not. Here then was a declaration of the noble lord of his indignation; but was this indignation genuine, sincere, and honest? It must be recollected, that all this took place subsequent to breaking off the negotiation. Was it possible the House could give the noble lord credit for his feelings on this subject, so long after the transaction had taken place? Could any one believe he was actuated by any desire to reprobate the practice. For his own part, he did not believe any such thing, but he believed his motive was to endeavour to prevent its being exposed. He had troubled the House at more length than he intended, but the importance of the subject made it necessary. He would not, however, trespass further than to move,—"That the minutes of evidence be read."

The Speaker having stated to the House the usual routine of its proceeding on motions of the present nature, from the time of Sir Robert Walpole down to this day,

Lord Castlereagh began by expressing his sincere regret that any act of his, or rather he should say, in the present case, any intention, could be deemed such as to call for parliamentary inquiry. He particularly lamented that they should be called upon to express their opinions upon the propriety or impropriety of his conduct, in any point of view in which the character or authority of that House might be considered interested, or in which he might be

supposed to have over-stepped the boundaries of his official duty. If, in the course of the present investigation, any error of his was made apparent, he hoped the House would see that such an error was rather to be imputed to accident than design. He trusted, that whatever might be the severity with which such investigation might be carried on, that no person would be able, at the conclusion of it, to point out any corrupt motive, by which his conduct had been actuated. Serious as the situation in which he stood was, he could assure the House, that in the line of defence which he meant to adopt, he would strictly abstain from lending his sanction to any principles, by which its authority might be ultimately affected. He, in the outset, returned his thanks to the noble lord who had brought this question before the House, for having stated so fully his view of the question, before he came to his final explanation. There was no degree to which the charge could be extended, which he did not wish to bear and meet; and on this account he felt gratified at the full explanation which had been given of it. While he said thus much on the subject, and added also, that he would be the very last to complain of any high colouring which might be given to the accusation, still he felt himself bound to say that many aggravations of it had been stated which he must utterly disclaim. In the first place he denied that any conviction could take place, as proceeding from his own evidence, and that his evidence before the Committee went even in the very teeth of the declaration of others, as quoted by the noble lord. He hoped the House would indulge him with a patient hearing, when attempting to destroy many other aggravations, which, in his mind, had been stated, before he came to the case itself, which lay within a very narrow compass. He denied then that this charge, whether right or wrong, proved or falsified, could by any art whatever, be considered as connected with, or springing from, his official situation. Whether he had been erroneous or not, still his error did not spring from a desire to exert his patronage as a minister, for the purpose of increasing his influence in the House of Commons. He had fairly and frankly laid before the select Committee a full and general view of his East India patronage; and in no other instance than the present could even the shadow of an attempt on his part be inferred to exert that influence for

a political purpose. Another aggravation, as stated by the noble lord, he wished to combat, and which hurt his feelings much. This was, that he had used in his office a general disposition towards trafficking. Now, no such thing as this could possibly be inferred from the evidence; and on a consideration of that, it would plainly appear, that neither he nor Lord Clancarty ever had an idea of exerting official influence for the purpose of facilitating the acquisition of a seat in that House. If he wished, indeed, to promote his parliamentary views by official patronage, it was possible that some opportunity might occur in which he might use it to advantage, but he never had. No; and in the present instance, all he understood was, that an individual wished to return either himself (Lord Castlereagh) or his friend, and that a noble marquis wished for an Indian appointment for some of his acquaintances. He felt fully open to all the comments which the noble lord had chosen to make upon the transaction; and no person could regret more deeply any connection with such a man as Mr Reding had proved to be, than he did. Indeed, until this transaction, he did not know that there existed in society such a character as a trafficking broker (*a laugh, and an expression of indignation from Lord Milton*). He certainly did not, and gentlemen might impute it to want of penetration on his part, if they chose; but such was the fact. He could not help, however, remarking the cool deliberative temper in which the noble lord seemed to have come to the discussion. (*Hear, hear! from ministers.*) He had wished to facilitate the election of his friend (Lord Clancarty) to a seat in parliament, and Mr. Reding came to him to make a communication on the subject. He understood him to come merely as a gentleman, and made a mere simple answer to his questions. The only occasion on which Mr. Reding and he had any interview, was when he wished to be informed who the member was who wanted to retire. He before that had never seen Reding, nor did he know, what there could appear in his political conduct to induce such a person to make an approach to him on such a design. One thing he was certain of, and that was, that it never occurred either to himself or to Lord Clancarty, to make use of official patronage to forward their wishes. For his own part, he could not be suspected of having any advantage to seek for himself individually on the

occasion. All he wanted was, to get his private friend Lord Clancarty into parliament, and this he particularly wished, knowing, as he did, the useful talents for business which his lordship possessed. He could not help expressing his surprize that the noble lord would for a moment imagine, that with this transaction any pecuniary concern was blended. There was nothing, surely, either in his character, or that of his friend, which could countenance such a supposition. The only occasion on which such a turpitude was accidentally manifested, it was treated with proper disdain. But had the evidence been carefully perused, such an idea would have appeared ridiculous, for he reserved to himself the right of withholding the writership from first to last, until he saw that a pure and properly recommended person was fixed on to be promoted to it. He was as ready as any man could possibly be, to admit the baseness of Reding, but then he had not even any conversation with him, except that which he had before stated, from the beginning, until, on the termination of the transaction, Lord Clancarty had signified to him to fill up the vacant writership as he had originally intended. Lord Clancarty withdrew his interference, when he found that Reding wished to withhold from him the name of the member who desired to retire from his seat in parliament, and thus the connection terminated. No idea was ever entertained of making a writership a general exchange for a seat in that House. The noble lord had introduced another person, Mr Davies, on whom he dwelt as a person of great importance. All he could say was, that he never saw Mr. Davies in his life, although Mr Davies had chosen to say, he called on him at his office in Downing-street. If Mr. Davies had given his name to the porter, he certainly might very innocently have desired him to walk in; imagining, perhaps, that it was a Mr Davies of that House, with whom he was on terms of intimacy. He had received a letter from this Mr. Davies, which letter he immediately communicated to the chairman of the select Committee, and which letter, it ought to be observed, did not refer to the writership now in question, but to another belonging to the board of controul. He did this in order that Mr Davies might be called for examination before the Committee, and this was all he knew about him. Indeed he was as ignorant what sort of man he was as he was of Mr. Reding. The writer-

ship, however, neither of them, or any one else could obtain unduly, as he (Lord Castlereagh) never let it go out of his reach, and was determined to keep it within his reach until he was thoroughly acquainted with the character of the person who might be proposed to fill it. The noble lord, however, seemed to think that he was to be particularly blamed because he happened to be president of the board of controul. This was founded on the notion, perhaps, that particular patronage was attached to that situation; but he could not see what the policy could be of excluding all the executive government from such patronage. Cases indeed, did exist, in which the laws wisely broke down the mass of patronage, by extending it chiefly to the directors; yet, in his opinion, the small patronage given to the board of controul, or to the president of that board, could not be attended with any very bad constitutional effects. The president was, undoubtedly, responsible for the exertion of his patronage, but he thought it would be a little hard to press him down with greater responsibility, because he happened to be president. He delivered those opinions freely, and he had delivered his opinions freely before the select Committee, heedless of consequences. He had not come before that Committee bound to official secrecy, and sooner than make that excuse, he had chosen to incur the personal responsibility to which the evidence might lead, and to which it had led, in the present discussion. He chose to pursue this course, and hazard the consequences, since his name had the misfortune to be blended with those mentioned on this occasion. (*Hear, hear!*) He would leave it, now that all the circumstances had been fully developed, to the feelings of any man whether if any unworthy motive or personal turpitude could justly be imputed to him. He did not wish to act in any manner unbecoming the dignity of parliament: he would freely state his motives, and leave it to that House to form its decision on them. He assured the House he never for a moment had an idea that the appointment in his gift could lead to any corrupt influence, either in that House or in individual electors. Although the individual who was to retire from parliament had not been named, still the impression made on his mind was, that he was not only a man of great respectability, but that he was one of those in the habit of voting and acting in

unison with government. He thought him a man who had some favour to seek for his son or nephew, and who never could suppose that such favour would operate to corrupt either parliament or elections; indeed, he would be the last man on earth to grant a favour which could have such an effect. Even admitting (what he was prepared to deny) that the election system was corrupt, because there were places where ministerial influence and property, and personal respectability, might operate on a return; this, in his opinion, and in the opinion of able men, ought not to be restrained, for it gave an opportunity to meritorious characters, men of learning and official distinction, who could not lend their lives to purposes of local agitation, to have their merit rewarded by the crown and the country. (*Hear, hear!*) It had been asked him, why did he propose extending his favour for the purpose of the election of Lord Clancarty? To this he might answer, that he had never put the offer into practice; and that even in cases of treason it required some overt act to procure a conviction. But he would make no such answer: he would disdain to rely upon such a defence, but he would say, that taking all the circumstances of the case together, no man in that House, nor any Committee appointed by it, could decide that such conduct virtually went so far to the corruption of a vote as to invalidate the election. The law would not bear them out in saying so. As a minister of the crown, he had no hesitation in saying, that he thought he was in duty bound, in election cases, to use all his influence for the support of the government to which he belonged; but he certainly did not think his office should stimulate him so far as to control individual conduct as to individual acts. The present transaction (as it had turned out) he could not undoubtedly justify to the full extent, but he would say, that no *moral corruption* had been proved against him. Indeed if he had any corrupt views, this would have been the case of all others in which he ought not to have acted on them. It was a case which, from its very nature, precluded secrecy. If he intended any thing dishonest or base, this case of all others was one which he ought to avoid. This was as plain as any thing he could say—as plain as that Lord Sligo had no seat in that House (*Hear, hear!*); as plain as that he had not seen Mr. Reding in Downing-street. Indeed, if there

were any case in the world in which he could positively prove an *alibi*, it would be where he was accused *of playing cards*. (*A laugh.*) Was there a man in that House to believe, that if he had acted from any impure motive, this case would not exhibit it to the world? He would not avail himself of a very just plea which he might make—namely, that his intention as to the disposal of the writership was only intention, and had never been acted on. No, if any man could believe that there was any turpitude even in the intention, he would disclaim such an excuse. So far from any unjust or impure conclusion on his part, he had been even so prudent and careful in the business, that he held it at his option after any communication with Lord Clancarty, to alter his mind completely. (*Hear, hear.*) If any thing tending to excite suspicion arose—if any bad character of Reding was evinced—if two stories were told on the subject, he reserved to himself the power of instantly breaking off the negotiation; but let any man for a moment reflect upon the probabilities in favour of his condemnation. Can any man in his senses believe that he would be mad enough to sacrifice, thus wantonly for no purpose, his public character, his prospects in life, his official situation, his respectability in the world, and in short every interest which could render man's existence dear to him? No, all that could be said was, that he, by means which perhaps were not strictly consonant to the usage of parliament, but to which undoubtedly no corrupt motive could be imputed had sought the advancement of his private friend—the advancement of one too, who he knew from former proofs could prove ultimately beneficial to the public service. He had now gone as fully into the circumstances as the case, which was extremely confined in its circuit, could admit; he had, to the best of his abilities, and certainly with candour, endeavoured to give the House a just view of the light in which it ought to be considered—he had tried to strip it of all the aggravations with which it had been encompassed, and he would now rely upon their decision. He would leave it to them to consider whether, without any motive, he would be wilfully corrupt, or whether his senses could so forsake him as to commit a crime, which, from the very circumstances that attended it, he knew must become public. He had now only to regret that motives of pri-

vate friendship or of public zeal could have induced him to any act requiring the cognizance of that House. He certainly had not erred intentionally, and would submit with patience to any censure which he might be thought to have incurred. [The noble lord having concluded his speech, made an obeisance to the Speaker, and withdrew.]

Lord A. Hamilton then moved to the following effect:

"That it appears to this House that Lord Viscount Castlereagh, in the year 1805, having just quitted the presidency of the board of controul, and being at the time a privy councillor and one of his majesty's secretaries of state, did deliver up, into the hand of Lord Clancarty, a writership, of which he had the gift, for the purpose of exchanging it for a seat in parliament.

"That merely from the disagreement of some subordinate agents employed, this design was not carried into effect.

"That such conduct was a dereliction of his duty as president of the board of controul, a gross violation of his engagements as a servant of the crown, and an attack on the purity and constitution of the House."

Lord Binning lamented that the noble lord, who had so many years served the public, should be called upon to defend himself from charges, which were calculated to frustrate his whole object in life, and to send him into retirement with feelings the most wounded and painful. The noble lord had no defended himself upon principle, nor should the noble speaker attempt to do so; for, conscientiously, he regretted to say, he could not do it. The noble speaker was afraid of weakening the impression, which he trusted the noble lord had made by going at any length into the case; but he should very briefly refer to it. [The noble speaker then went through it, commenting upon the noble lord's (A. Hamilton) inferences from it.] This case, Lord Binning contended, was attended with no circumstances of aggravation. The name of Lord Clancarty was known throughout the affair; and the writership was not at his disposal to become the object of any general traffic, far less to be the object of any money negotiation. It had been said, that presidents of the board of controul had no right to patronage; this might be very true; but patronage they had enjoyed ever since the board had been instituted. If the noble

lord was to be condemned, it must be by the evidence before the House, and not by foreign aid; he must be condemned upon this unexecuted intention, which was all that had been proved against him. Although it was not possible to justify the conduct of the noble Lord (Castlereagh) upon principle, still the noble speaker thought that the resolutions of the noble lord (A. Hamilton) would draw down upon his head too heavy a punishment. There were degrees of punishment; one would not punish a man for intention to commit a crime so severely, as for the commission of that crime; or the *malus animus* might make a distinction of punishment. The simple dismissal from office of the noble lord would be his least injury. It might be said this was no punishment; and certainly, such was the precariousness of office, that in general it could not to be considered as such. But when grave charges of corruption were made, sanctioned and registered against a minister, and in consequence of these, he was dismissed his office, was it then no punishment? The noble speaker hoped the House would exercise its sound discretion, and when it considered what was due to the public, would reflect a little what was due to the individual. He concluded with moving, that the other orders of the day be then read.

Mr. Williams Wynne said, that after the speech of the noble lord who had just sat down, he little expected him to conclude with such a motion as he had done. The noble lord thought the first proposition which had been made rather severer than it ought to be; and to remedy that, moved that no resolutions at all should be entered into. The noble lord expressly guarded himself from attempting to justify his noble friend, and yet concluded by passing his conduct by as wholly unimportant, and unworthy to detain the House from its more material business. The honourable member distinctly agreed that there was a difference between this case, and that wherein the intention might be carried into effect, and should be sorry to hear it said, that an equal degree of guilt attached to both cases. But was the mere circumstance of entering into such a negotiation as the present no offence? When a minister of the crown had entered almost publicly into a proposal for the commutation of a patronage, which he held not by right, but by virtue of his office, was this a case which called for no resolution, for no opinion? The

honourable member expected the noble lord (Binning) would agree to the facts of the resolutions, however he might think the deductions from them expressed in too strong language, and might propose to substitute others in their room. To these words the honourable member should have been glad to have attended, and if he had thought them sufficient to guard the dignity and honour of the House, to have agreed. It was nothing that similar cases might have existed before: they may have been better contrived for concealment: when once a case was discovered, it was the duty of this, the only competent court to its consideration, not to pass it over. Were they to do this, it would be to proclaim every successor of the noble lord at liberty to go to market as openly as he pleased.—(*Hear, hear, hear!*) When a case like this was proved, the House had but one course to pursue: it had no option. Whatever might be the private opinion or wish of members upon this subject, they were bound to act by the laws and resolutions of the House, and not to suffer their own feelings to interfere. The honourable member entirely agreed with the resolution of the House in the year 1779, with respect to the interference of ministers in elections, and thought it ought to be read before the House came to a decision on the present question. That resolution clearly prohibited the interference of ministers in elections, much more the application of patronage to facilitate an entry into Parliament. The noble lord did not attempt to justify his conduct; and this was in his favour; this was better than unblushingly to stand up and to say that he had received no money; that the public alone had been benefitted; that nobody had suffered any wrong. The honourable member certainly wished the censure of the House, to vindicate its dignity, and that such a transaction should not be thought innocent, as it might not only be, but praiseworthy, if the present amendment were carried. If this were the case, posterity, when they looked back to this transaction, would think that there was nothing whatever in it which was disapproved by the House. It had been truly said, that this was a case, where the noble lord might have repented of the transaction before it was completed. But did it follow that no punishment was due? The very act of sending for such a person as Reding, and seeing him upon such a subject, was a serious offence. If the present case were to be passed over, it would be re-

ceded for a precedent, that Parliament had evidence of such an attempted exchange, and had thought it unnecessary to notice it; and, supposing some future minister to have carried into execution what the present only attempted to do, it would be said, "where is the difference between the cases? the minister has now only succeeded in doing what the minister then did his best to do." It was undoubtedly detrimental, that the president of the board of controul and the court of directors should keep up the interchange which had been mentioned; but that the noble lord found when he came to office. The honourable member concluded by briefly putting the case, and could not see how it could pass unexamined.

Mr. Croker rose to do justice to the memory of a friend of his then no more (the Marquis of Sligo), whose name had been alluded to by the noble lord (A. Hamilton) as a deep participator in corruption. If the noble lord had read the report with that attention which he had owed it, he would have found the story of Reding, as to the Marquis of Sligo, most absurd and contradictory. First, the Marquis of Sligo was to procure the person for the place, then the place for the person; and upon being further pressed, Reding was driven to more inconsistencies. If the noble lord had seen this, as he must have done, upon the face of the report, upon what principle could he charge his (the honourable member's) noble friend with corruption, at the expence of invading the silence of the tomb? The noble lord had declared his readiness to retract where he was wrong; that intention the honourable member called upon him to fulfil, in justice to the memory of the Marquis of Sligo. To prove the fallacy of the whole of Reding's evidence, the honourable member adduced that passage where he said, that Lord Sligo, upon Lord Clancarty's name being mentioned, said, "he was his man:" Now, it was the well-known law that, for an Irish borough, an Irish peer, such as Lord Clancarty was, could not sit. That treaty, therefore, could not be carried on; and the same might be said of Lord Hawarden, to whom the borough was said to be offered through Reding. But the honourable member pledged himself that Lord Sligo had no borough, as it was called. He knew his lordship intimately, and would take upon himself to assert, that his noble friend had no influence, but what arose from his landed property in the county where he resided. It would therefore be no

small portion of the indignation which the prostitution of Reading must excite, that he had thus invaded the peace of the grave, to screen himself from guilt half an hour longer. The second resolution of the noble lord (A. Hamilton), that the exchange, but for a misunderstanding among the underlings, would have taken place, was thus false in the fact. The first resolution too stated, that the noble lord (Castlereagh) did things both as secretary of state and as president of the board of controul; when the fact was, that his lordship was not president of the board then. When the noble lord (A. Hamilton) found this, he would be obliged to say, "Both my premises are faulty; I vote for my conclusion." (*Laughter from the opposition benches.*) Whether the noble lord would be able to forgive his friends for laughing at him, the honourable member could not say (*Laughter from all sides*); but he could assure the noble lord, it was at his logic they were laughing, and not at himself.

Mr. Williams Wynne explained.

Lord Milton rose merely to apologize for the indignation he had too loudly expressed during the speech of the noble lord (Castlereagh); but he really felt it.

Mr. H. Smith thought that Lord Sligo had nothing in the remotest degree to do with the present case; but he could not reconcile the warmth with which the honourable member (Mr. Croker) had vindicated his noble friend from any concern with what, according to him, pressed so lightly upon the noble lord (Castlereagh). The honourable member thought it highly unconstitutional that seats in Parliament should be obtained in the manner which had been brought before the House. As to the first inconsistency which the honourable member (Mr. Croker) had pointed out in the noble lord's resolutions, it had never occurred to any one of the Committee, and therefore no extreme degree of blame could attach to any man, for not discovering it. As to the second, he thought that if a man could hold the duties of two offices, he was able to violate them. As to the patronage being only used in this particular instance, and not to serve government in general, was not Lord Clancarty a government man? and could there be a doubt which way he would vote? It was said that no corruption attached to the voters for these seats that were to be obtained. They could be gotten for 4000*l.* or 5000*l.* and there must be cor-

ruption somewhere. It was impossible to disconnect this subject from that of parliamentary reform. Lord Chatham had said, that if Parliament did reform from within, it would be reformed from without, and that with a vengeance. When abuses like these forced themselves into our eyes, if one reform were not obtained, another would be called for, which no man would wish to see less than the honourable member. He considered the order of the day on the question of Irish commissioners' fees, as a matter of infinitely less importance than the subject under the consideration of the House. The present was no ordinary common-place question. He wished gentlemen to consider the reasons why the statutes, inflicting pains and penalties upon persons giving or receiving bribes, were passed. Was it not that the House of Commons should be pure and free from all imputation of improper or corrupt motives? Was not that the principle? He thought that the character of Mr. Reding had but little to do with the question. He only lamented his connection with the noble lord, by which he thought the noble lord appeared to be somewhat contaminated. But, much as he was disposed to listen favourably to what had fallen from the noble lord, when he recollected to have heard in that House frequently such strong accusations on the subject of corruption in Ireland, in the promotion of the measure of the union, from gentlemen who, from their locality, must have been acquainted with the transactions there; and upon that question, when he recollected to have heard those accusations so often repeated, and never answered, he must say at least, that the reflection suggested to his mind was this, that there is a sort of tendency in the human mind to form an estimate upon such matters accommodated to the circumstances and situations in which men are placed; and that those who are in private life gentlemen and men of honour, do, somehow or other, when they get into the tracts and labyrinths of politics, find out how to reconcile the use of improper means to what they may conceive to be wise and good ends. He recollected some years ago, when Mr. Hastings was on his defence, that he stated such matters, without the least apparent idea of impropriety, in justification of his conduct, as, to say, the least of it, astonished him, and indeed astonished a majority of that House. That astonishment rose to a very high degree. The fact was, it ended by Mr. Hast-

ings' denial of his own defence; and his advocates were reduced to the necessity of saying that his defence was made for him, and that he read that which was not the offspring of his own mind. From such things he collected, that political men used means without much scruple, to obtain ends. He thought that a regardlessness of means to gain ends might be as productive of public evil as a total indifference to ends. Unless a heavy mark of the disapprobation of that House fell upon the transaction disclosed, the House would lose greatly in its character in the country, and would place itself in a state of jeopardy, in which it had never been before. At the same time, he wished to act with moderation towards the individual party. It seemed to be thought by some, that the current of public opinion should be withstood manfully. He thought that on some occasions that might be right; but if the direction of public opinion was right, it might be dangerous, indeed, to attempt to repress it. He concluded by observing, that the case was as strong as need he made out, and he could not conceive how any man could do his duty without affixing upon it a mark of reprobation.

Mr. Manners Sutton spoke in rather a low tone of voice, and argued, that from the incompleteness of the transaction, and the distance of time, a dispassionate investigation of the case would shew, that there was nothing which imperiously demanded the recording of such resolutions on the journals as those which were proposed. He thought this was a question on which party feeling and political hostility should not be allowed to operate. He concluded by recommending the course proposed by the noble lord on his side of the House (Lord Binning).

Mr. Grattan agreed that the proportion of punishment should not exceed the degree of the crime; and therefore, that if a member of state, as president of the board of control, had committed an act contrary to the constitution, and in violation of the independence and privileges of parliament the natural consequence of the punishment inflicted on him should be the deprivation of his power to commit such malpractices in future. As the noble viscount might be on the present occasion considered to be on his trial, the matter ought to be examined rather judicially than generally; and he felt,

therefore, no disposition to enter into any topics that might have a tendency to aggravate his offence, or to inflame the passions. He would not on that account enter into any considerations respecting the various transactions connected with union of Great Britain and Ireland, because, whatever might be his opinions and feelings upon that subject, they were not then to try the noble viscount upon that issue. He thought it might be unwise now to revive those subjects, which would tend to heat mens' minds, and to excite warm feelings, but would confine himself to the case as far as it was an attack upon the constitution. As to the defence of the noble lord, though he could not agree with him, yet he thought it a handsome defence. He understood that he did confess that in what he had done, he had so far invaded a principle of the constitution, but that he had not done so intentionally, or upon any settled and predetermined system. He (Mr. Grattan) did not, on the whole view of the case, believe that the noble viscount had any such settled system in his mind, but that he did it to accommodate his friend: but that in what he did, he made a direct attack on the constitution of the country, and on the foundation of the Parliament of the empire, and on the foundation of the executive power of the empire. Still, he spoke of the act, and not of the intention, of the noble viscount. He believed that he did not contemplate, and was not aware of the consequences of his conduct. He wished to serve his friend, and he paid no attention to the consequences. The House, therefore, had before them an offender against its constitution and purity, without any system for that purpose, but who has at the same time committed a great violation, proved abundantly by the evidence upon the table. How far, therefore, could the House go towards acquittal? It appeared, perhaps, that purchases of seats in that House were not uncommon, but that they were so unconstitutional, that it was unparliamentary even to state the fact. But the purchaser by means of a civil employment was equally guilty with the purchaser by a sum of money. He was selling that which ought not be sold, to buy that which ought not to be bought. The seller of a civil employment for such a purpose, employed the means of the executive power to corrupt the legislative body; he bartered civil situations for representative votes. He set the

essential parts of the constitution at variance, and at war with the constitution itself; and thus he took, whether intending it or not, the most effectual means of subverting and destroying the whole. As a minister, the noble lord should not have bartered the civil power to buy the legislative power. As president of the board of controul, he should not have attempted to barter the patronage of India to aid his power as minister of state. He had many and complicated duties to perform, but should not reconcile their disparities by a system of barter. He should suppose it not an unusual thing to buy seats; but did it therefore follow that the minister of the crown should be permitted to employ his patronage of offices, the public property of the country, in order to secure support, and, in fact, to violate the freedom of Parliament, and to attack the constitution of the country? Had he, the minister of the crown, a right to add to his private influence, against the constitution of the country? To bring into circulation and action the means of the executive power, in the Indies, in the civil, and in the ecclesiastical patronage, to influence Parliament? If he had the right to do so in one case, he had it in all the rest, and he might employ the whole to model the Parliament of the country; and what sort of an engine was this to be placed in his hands? Had we complained of the dangerous effects of the streamlets of corruption, and when we saw the flood coming on had we no fears, no alarms at the threatening inundation? Could the House pass on a matter of this nature, and let a minister of the crown go off with impunity to the abuse of his patronage?

He repeated, that he acquitted the noble lord of the intention of attacking the constitution; but the House, by refusing assent to a mark of reprobation, would sanction the principle, and become instrumental to the whole extent of the abuse. The House had before it the whole of the case and defence. A writership might have been given to facilitate a return to Parliament. The noble lord had not denied that offence, but denied any intention of attacking the freedom of Parliament. He thought that it was not possible that the House could refuse to affix upon such a transaction the reprobation due.

The Chancellor of the Exchequer said, that however he might expose himself to censure, he thought it would be not only a breach of public, but of private duty, did he not rise to deliver his sentiments on a question that so

nearly concerned a valued friend. He thought, from the first, that there would be no difference in opinion respecting the facts in the case, and the law applicable to those facts. But the question, he apprehended, was, whether the case required the judgment of the House. The functions of that House consisted not merely in their judicial capacity, but also in their capacity as prosecutors, and they were, therefore, competent to judge whether, under all the circumstances of the case, it was requisite or necessary, that they should take any proceedings on this question which might tend to their pronouncing a distinct judgment upon a transaction never completed, and at the distance of two parliaments back. He complimented the candid statement of the last speaker. He admitted his facts and his law, but doubted the necessity of proceeding upon either. He hoped the animadversions of that right honourable gentleman (Mr. Grattan) would be sufficient respecting what had been adverted to by another honourable member, who had alluded to measures connected with the union, and who seemed desirous of bringing them to bear upon this question. He then remarked on the seeming imputation of the want of sincerity in the indignation expressed by Lord Castlereagh; and after commenting at length on the evidence before the committee, contended that the fair inference was, from a full, strict, and impartial view of the evidence, that the noble lord felt distinctly that the charge was unfounded in fact. He was sure, that if the House should think fit to agree to the propositions, they would be exercising a very painful duty, a duty that they would fulfil with the greatest regret; and he was sure, that in such an event, the House would feel that there was no stain thrown upon the moral character or the political character of his noble friend. He felt justified in thus expressing himself, and he could not but enter into the question with some warmth of feelings. He thought the noble lord who had made the motion had been misled by his own views of the transaction; and he hoped to hear him, in his reply, disclaiming those imputations that might be unfairly cast upon the character of the noble lord. The first resolution was true in words, but then it did not state those qualifications and limitations that accompanied the transaction. It contained a bare naked statement. If the resolutions are persisted in, the House must discuss the propriety of amending them. He then proceeded to expose the con-

duct and views of Mr. Reding in the use he made of the name of the Marquis of Sligo. He objected to any attempt at aggravation, on the ground of any particular office held by the noble lord. It was a question of abuse of patronage, and was not altered by the circumstance of a particular place held, whether of president of the board of controul, or of secretary of state. In either case, the patronage was a trust to be exercised. It had been stated correctly, that the punishment should be appropriate to the offence. The censure contained in these resolutions would convey a slur upon the character of the noble lord, the effect of which the House would see, and contemplate. If the House was prepared to pass such a sentence, (and he did not know in what milder terms it could be conveyed), they must see that it must end in the removal of the noble lord from his official situation. Thus it would be made as severe a punishment as could be inflicted, even had the imputed offence been actually committed. Lord Castlereagh never appeared in the transaction, but in a moment's conversation, until the close. His lordship indeed stated, that the person to be appointed must be a proper person, one who was sufficiently qualified for the situation. The affair could not have been completed, without giving his lordship full time to review the whole and to make a proper inquiry. There were shades of offence, and the present was by no means of that nature as to call for that sort of censure which would amount to political extinction in that House. Let the House consider dispassionately whether it was that sort of case that called upon them to institute any proceedings, or to record any censure. It had been compared to bribery. How would the case stand in that respect, if a charge were made where there was no bribery committed, and which had occurred two parliaments ago? Could the House, in such a case, think it necessary to pronounce a judgment on the transaction? The noble lord (Lord A. Hamilton) had spoken of his (Mr. Perceval's) trap, and wondered what he would have said had he caught his colleague. He could only say that he should be very much surprized: but yet let the noble lord recollect that he had laid his trap so widely, that if his colleagues had been guilty, assuredly he should have caught them. The presumption was, that he should have found out the guilty, whoever or whatever they might be. The House had been called upon to record

this censure, and to consider the means of making themselves respected. He thought, however, that the House was most likely to create a due respect for itself, not by endeavouring to promulgate its laws by punishments, but by enactments: not by taking up surely a case marked by so many circumstances of limitation and mitigation, as the present must unquestionably appear to be. There was no privilege violated, there was no seat obtained. All rested, at the most, in mere inattention, and nothing in fact, and yet the greatest severity was to be inflicted. It was, far, indeed, beyond what the nature of the case could require. After a very able and argumentative speech, the Chancellor of the Exchequer concluded, by expressing his wish to proceed to the order of the day, not on account of its peculiar importance, but because that he thought that, upon a fair and impartial consideration of the present question, it did not require any further investigation, or proceeding on the part of the House of Commons.

Mr. Ponsonby was disposed strongly, upon a case of this delicacy and importance, to exercise all those feelings of generosity which it was calculated to excite; and if he should fall into error in the course he was about to pursue, it should be an error on the side of lenity rather than severity. It had been stated by the right honourable gentleman (the Chancellor of the Exchequer), that the act urged against the noble viscount was merely a parliamentary offence, whilst the honourable gentleman under the gallery (Mr. Manners Sutton), had declared that the only way in which the House could do its duty to the public would be by passing an adequate judgment upon that fact; and yet both gentlemen proposed that no judgment should be come to upon the subject, but that the House should pass to the other orders of the day. He was sincerely disposed to take the mildest course that the nature of the case would admit of. The right honourable gentleman had said that the resolutions of the noble lord would go to inflict as heavy a punishment as could be imposed, if the offence had been committed with the most criminal intention. But might not the noble lord have proposed to follow up his resolutions with a motion for the expulsion of the noble lord, or for an address to his majesty for his removal from his presence and councils for ever? The question was then, whether, with the fact so fully admitted, that House could consistently with its

duty, pass the matter wholly by? In his opinion that was impossible. In proposing to dispose of the writership in the manner stated in the evidence, the noble lord had not been simply guilty of an abuse of his patronage as a servant of the crown, he had been guilty of a violation of the India act in a peculiar degree, by doing that, which it was the object of that act to prevent, in applying India patronage for purposes of parliamentary influence. His conduct was not only an offence, but a perversion of the duties of an office created to prevent such perversion. It had been said, that the first resolution was false in sense, and the second false in sense and in fact; but if the whole of that were to be admitted, what argument would it afford for passing to the orders of the day? It would be rather an argument for the amendment of the wording of the resolutions. He had not suffered himself to be influenced in the cause which he took, by his political hostility to the noble lord; but he sincerely thought, that, in order to maintain the good opinion of the public, and to preserve the character of parliament, which in a great measure would depend upon the decision of that night, it was absolutely necessary, that they should pass some censure upon an offence so incontrovertibly proved.

Mr. Bankes, as chairman of the Committee, felt it necessary for him to say a few words upon the question, in consequence of some allusions which had been made to the conduct of the Committee. The noble lord who brought forward this subject, had, towards the close of his speech made an observation expressive of surprize that the Committee had not mentioned this case in their report, and appeared to think that the question ought to have been taken up by the chairman, or some other member of the Committee, rather than be left to the House to take up. But in his wish to promote his own object, the noble lord forgot what the Committee had been appointed to do, and the instructions under which that Committee acted. This case was not within the purview of the Committee, which was confined to the abuses of East India patronage. The same cause prevented the Committee from reporting upon other transactions which had been brought before them, though the evidence had been printed, and given rise to much surprize on the part of many persons whose names were inserted in the evidence. The Committee, when it found that no corruption was

to be traced in a transaction, closed the case there, and did not think themselves authorised to go into the private parts of such cases; and, as they could not suppress any part of the evidence, hence it was that the names he alluded to appeared in the minutes. It was matter of sincere regret, that in times like the present, there should be in this country a busy and active class of men, who take every opportunity to vilify every thing that is high, and to degrade all that is eminent in rank in the country. He was sorry to see that this report had been used for that purpose. He had seen the evidence garbled, maliciously garbled, with a view to vilify the members of the royal family. He had seen the evidence of Mr. Fuller respecting a negotiation for a writership, which was said to be procured through the Duke of Cambridge, given so far as it could tend to make an impression, as if that royal personage had been concerned in these transactions, but leaving out altogether the declaration of Mr. Fuller, that he was convinced his Royal Highness knew nothing of the circumstance. The honourable gentleman then proceeded to observe upon a similar mutilation of the evidence in a case in which the first object in the realm was said to be concerned, and expressed his opinion that the House ought to set a strong mark upon this attempt to degrade and vilify all that was eminent in the state. The honourable member then commented upon the circumstances, under which the names of two members of that House, and of the Marquis of Sligo had been introduced into the minutes; and accounted for the insertion on the ground, that, though it appeared they had not been parties to any improper transaction, yet, as their names had been mentioned in the course of the progress of the inquiry, the Committee did not consider themselves at liberty to omit any part of the evidence. It would be the most agreeable to him if he could either agree to the resolutions of the noble lord, or be contented with the course proposed on the other side. He thought the punishment which the former would inflict was inadequate to the offence, and greatly disproportioned to the case; and the latter would not be sufficient for the dignity of that House, if it should pass to the other orders of the day from a charge, where the facts were proved upon such incontrovertible evidence. He agreed with the whole of the speech of his right honourable friend, and contended that upon

every principle of law a distinction should be taken between an offence existing only in intention and an offence actually completed. If the first resolution therefore should be amended by the introduction of the proper qualifications, it should have his support, and then he should propose to add a resolution, "That it was the duty of that House to be jealous of its independence; but at the same time that it appeared that the said negotiation rested merely in intention, and had not been completed; and that, therefore, that House did not think it necessary to direct any penal proceedings." This was what struck him as the most eligible course to be pursued, and he should therefore move this resolution, if the noble lord should agree to an amendment in his first resolution, but to the second and third resolutions he could not agree.

Sir Francis Burdett, at that hour of the night, and after the very able speech of the noble lord who had opened the debate, as well as the able speeches of many gentlemen below him upon the floor, did not mean to trespass at any length upon the attention of the House. At the same time the question was in itself of such importance, and so much had been said in extenuation of the case, founded upon the admission of the noble lord, and some observations which had fallen from the honourable gentleman who had just sat down were such, that he was induced to trespass a short time upon the indulgence of the House, even at that late hour. If it had not been for the general gravity of that honourable gentleman, and the serious manner in which he had produced these observations to the House, he should have supposed that there had been something ludicrous in his statement from the effect it appeared to have produced upon the faces of the right honourable gentlemen opposite. With respect to the question before the House, he could not see any objection to the original resolutions proposed by the noble lord. As to the objections which had been taken to the second resolution, that it was not founded in fact, he must observe, that though it was not exactly made out by the evidence, yet it would be very easy to amend it; because the fact was, that the negotiation had actually failed, in consequence of the inferior agents not having been able to accomplish what they had undertaken. It had been argued, that if the noble lord had been aware of the character of Mr. Reding, or had an opportunity of again

turning his attention to the transaction, it could never have taken place. But it would indeed have been surprizing if the noble lord should not have broken off the business in the event of his having discovered the character of a man who was endeavouring to trick him. The honourable gentleman who had just sat down had thought proper to make an allusion to a set of persons, what persons he could not tell, who were busy and ever active in decrying all the rank, and running down all that was eminent in the state. He had often heard complaints made in that House against calumniators and libellers, but highly as he valued the privileges of parliament, he knew of no privilege that would entitle any member to calumniate any class of his majesty's subjects. (*Hear, hear!*) He knew of no right that any gentleman could claim to utter misrepresentations against whole classes of the people of England, especially when so much mischief was likely to result from such calumnies going forth to the public. It was peculiarly hard that such a course should be adopted: it was particularly so at a moment too, when, (as he must be permitted to state, even within the walls of that House,) the character of parliament did not stand as high in the country as it ought. Under such circumstances, he thought it unfortunate for that House, as well as injurious against the British public, to calumniate any class of the people of England, by whom so far as his observation enabled him to judge, such calumnies were wholly unmerited. Having made these observations, he would leave it to the House to judge how unfair it was to deal out insinuations against whole classes of the people, or whether it would not have been more candid and manly to name the persons at once to whom such observations were applied. He was convinced, upon the result of all that he had an opportunity of observing, that there was no set of men in this country disaffected to the government; and to make an assertion that there was, would be as injurious to the people, as it would be unserviceable to the throne, and hostile to the constitution and the country. He had attended particularly to every thing that had been said by the noble lord in his defence, and whatever difference of opinion might appear to exist in the House as to the degree of his guilt, it appeared to him to be an aggravated case. It appeared to him to be an abuse of the patronage of a minister with a view to make an attack upon

the independence of parliament. If the minister were proved guilty of such an offence, was the House not to say that he was so guilty? It was not now a question of punishment; or if the removal of the noble lord from office was to be considered a punishment, this was the first time that he ever heard of its being a punishment to be out of office. The noble lord had said that his object was, in disposing of this writership, to procure support for government, that is, for the administration, because that was the way in which he confounded the government with the administration. But as the noble lord had given them to understand that he would still think that a justifiable mode of disposing of his patronage, it was the duty of that House to guard against such abuses. The patronage of the state was the property of the public, and ought to be fairly and impartially distributed amongst the people. If ministers had attended more to this principle, and less to the practice of their particular connections, there would have been a benefit to the public service, and certainly less disgust existing out of doors at the manner in which his patronage had been hitherto disposed of. The noble lord had complained, in some measure, that he had been convicted solely upon his own evidence; but he would leave it to the House to decide whether there could have been stronger evidence produced? But whilst the noble lord rested so much on the circumstance that his conviction was not supported by any evidence but his own admission, he had still endeavoured to maintain that there had been nothing blameable in the transaction, as he wished only to bring his friend into parliament, that he might have his assistance in their common department. That statement was sufficient alone to shew that these resolutions ought to be passed. If the noble lord could pervert his official patronage for the purpose of bringing a friend into parliament, that was, in his mind, a heavy offence, such, as he was convinced, as that House would consider no other heavier. The right honourable gentleman had complained that the honourable gentleman on the floor (Mr. W Smith) had made an allusion to the transactions, in which the noble lord had been concerned at the time of the union. He could not see any hardship in such an allusion, when the noble lord and his friends laid so much stress upon the purity of his motives. It was natural, in answer to such a defence, to refer to trans-

actions that would shew that such purity of motives could not easily be imputed to that noble lord. It might be urged against him as a want of candour, but he could not conceal that he did not give the noble lord much credit for purity of motives. He should still continue to watch with that jaundiced or jealous eye, which had been sometimes imputed to him, all the conduct of the noble lord; and having caught him in one instance tripping, he should therefore jealously observe his future measures. It had been contended, that the offence in this instance was not as heinous as the taking a bribe at an election: but the House would never, by its vote upon the present question, sanction the opinion, that it was ready always to punish the petty offenders in retail, at the same time that it passed over this wholesale trade in corruption without animadversion. The noble lord had stated, that if the transactions had proceeded, he would have taken care that none but a proper person should be appointed. But the law does not allow any man, however proper, to be promoted for a bribe. Yet, had not the noble lord pointed out the particular political principles which his proper person was to entertain? Had he not described the connections, and mentioned the support that was to be expected from him and them? Would the connection of any gentleman, who, in the performance of his duty in that House, should oppose the noble lord, have been a proper person, according to his idea of such a one as he should deem a fit object of his patronage? It was this gross partiality in the selection of objects, and the still grosser motives that guided the selection, that he looked upon as the most dangerous circumstances in giving to any minister the unlimited disposal of the patronage they possessed. Every thing, therefore, shewed how necessary it was to pass the resolutions of the noble lord. Some gentlemen had taken occasion, and very properly taken occasion in this discussion, to make some observations upon the necessity of a parliamentary reform. His own opinion upon that subject was well known, and he was convinced that nothing could tend more to shew the necessity of such a measure, than if that House should pass from these resolutions to the orders of the day. In supporting the resolutions, he was certainly most disinterested; because he was most sincerely a friend to reform. He should be happy to see reform brought forward by his

majesty's ministers, because in such hands it would be productive of as much good as would spring of mischief from the blind resistance to practical reform proceeding from any other quarter. He would particularly, therefore, rejoice to see his majesty's ministers bring forward a plan of reform, which would come with grace from them, and be received with gratitude by the people. The opinion of the necessity of a reform in parliament was at present so general, the only difference prevailing upon the subject being only as to the precise plan, that some reform must necessarily take place. This was particularly desirable at this time, when Committees of that House were every day bringing to light abuses that were concealed from view; when the weight of the taxes were only to be equalled by the severity of their collection; when what was granted liberally was expended prodigally; and when there appeared no disposition to retrench unnecessary expenditure. Under such circumstances a reform was essentially necessary, and at such a moment he regretted that any gentleman of such respectability as the honourable gentleman, and who had rendered such important services too in the various Committees of that House, should have spoken of a class of the people of this country, in such a manner, that, with all his respect for him, he must say, he had grossly misrepresented them. But the honourable gentleman said, that the noble lord ought not to be punished, because the offence had not been completed. But the question was not then a question of punishment. All that was proposed was, to guard against his majesty's ministers future conduct; it was only proposed to provide, that similar effects should not in future arise from similar causes: and the more especially, as it had been that night admitted and argued on their side, that the corrupt abuse of patronage in support of administration was not blameable. It behoved that House to shew to the public that it was not inattentive to its interests; and to guard its own character from the imputation that whilst it punished petty offenders in detail, it was reluctant to inflict the same punishment upon an offending minister. Was not the Plymouth tinman's case in the recollection of the House; and with such an example before their eyes, could they hesitate to vote the resolutions against the noble lord? Complaints had been vented against the press, but if men of rank would do their duty, they might bid defiance to

the press. It was not their merit, but their vices that provoked the animadversions of the press, which would ever be ready to pay the tribute of its admiration to their virtues. Were they not to expose their deformities, but to endeavour to put out the eyes of the nation, that it might not behold them? In this thinking, this rational, this reflecting country, they had but to do their duty, and they should insure the approbation of their countrymen. If any plan of reform should be proposed, he besought the House to entertain it with temper, and abstain from all imputation of disaffection to those who may propose it. He should not detain the House longer, but should most certainly vote for the resolutions of the noble lord.

Mr. Johnstone was inclined to adopt the course recommended by an honourable member (Mr. Bankes) on the opposite side. A medium course he considered to be preferable on many accounts.

Mr. H. Lascelles said, the crime imputed to the noble lord was not dissimilar to a political offence committed by the late Mr. Pitt, for which parliament granted him an indemnity. He could not vote for the resolutions, as they imposed a censure disproportioned to the crime. Still he was of opinion that the transaction was of such a nature as not to be passed over with total impunity.

Mr. Windham felt it necessary to explain his reasons for the vote he should give, or rather for the vote that he should not give. Neither the original resolutions, nor the motion made by a noble lord on the other side, were such as to induce him to give his support to either. He could not agree that they should pass to the order of the day, as it would expose them to misconstruction. On the other hand, the resolutions of his noble friend were too strong and disproportioned to the offence. Two courses lay open; either to vote for neither, or to vote against both. The most regular way would be to oppose the motion for the order of the day, for the purpose of pursuing the medium course that was proposed. The House, in giving their decision, were called upon, in his opinion, to distinguish between the act and the offender. Should they pass to the order of the day, he feared it would be regarded as an implied approbation of the principle. He would admit that any attack on the privileges of that House, or the freedom and purity of elections, was a very fair and fit object for parliamentary cognizance.

He would be glad to know how far the principle was to be carried? Whether it was to apply to any man influencing or endeavouring to influence a vote, or procure a seat under certain circumstances, or whether it was meant to limit it to ministers? He feared his noble friend had taken his principle too wide. If he meant that it should be declared criminal in any man to endeavour to obtain a seat in that House under these circumstances with which they were all acquainted, that would embrace much more than this motion. There was not a place in the kingdom that sent members to parliament to which, with perhaps the exception of Old Sarum, it would not apply. When they were called upon to condemn so violently the noble lord, they would do well to ask themselves whether they would hesitate for the purpose of securing an election to recommend a friend to government. From the evidence, it did not appear that the offence imputed to the noble lord was even inchoate in intention. It was certainly incumbent on the House to give an opinion on the transaction, but not too strong an opinion of the man. It certainly was not the intention of the noble person, from what he could collect, to put a person in this place to answer an improper purpose. An honourable member (Mr. Rankes) had been accused of calumniating classes of the people, and he had been called upon to name those, who, under the mask of reform, were endeavouring to subvert the constitution. Now though there might be no difficulty in naming individuals, there might be a great deal in naming classes. But it was notorious that there were many hundreds, and he feared thousands, and tens of thousands who speculated upon a change. Some of these might be influenced by worthy motives; he had no doubt there were others with different views, who wished to throw all into confusion, and take their chance, as it is called. Some were hostile to this; some to that. Others were so extravagant, that they were only doubtful where to begin, and what to do. But he trusted that whatever government was in the country, would be strong and firm enough to resist. The moment a single brick was taken out of the building on this principle, the entire ruin of the edifice must soon follow. Such reform would inevitably terminate in revolution. As to parliamentary reform, he never saw any change that was proposed which had either common sense or practicability to recommend it.

Mr. *Whitbread* moved that the resolution passed by the House in 1790 be read. [The substance of it was, that it was highly criminal in any minister to use the patronage of his office for the purpose of interfering with the privileges of that House.] He called on any man in the House to lay his hand on his heart and declare whether the offence with which the noble lord was charged did not come under that resolution. If it did, was it possible to pass to the order of the day, after the confession which they heard from the noble lord, after his pathetic appeal to their feelings, after he threw himself in fact upon their mercy? He certainly had not much prejudice in favour of the political opinions of that noble lord; but there was something in his manner of leaving the House that almost wholly disarmed him. But the offence was one of the gravest kind. What was Hamlin, the foolish tinman's offence? What was that of Beasely, who was now under prosecution for offering a bribe to the Duke of Portland? Could it be said that their offences were as enormous as that of which the noble lord had confessed himself guilty? A learned gentleman (Mr. Croker) had talked about the sanction of precedent as if it were a common practice to barter writerships for seats in parliament. When such practices were thus alluded to, and brought within the knowledge of parliament, it was impossible they could abstain from passing a marked censure on them. In this instance it was impossible not to adopt his noble friend's resolution, or one of the same tenor. They had before them "*confitentem reum.*" The noble lord acknowledged the justice of the accusation brought against him. Lord Castlereagh acknowledged that he placed a writership at the disposal of his friend, to enable him to obtain a seat in parliament; Lord Clancarty acknowledges the fact; the Chancellor of the Exchequer admits that it is a great political offence, and how, after these admissions, was it possible to pass to the order of the day? What, under these circumstances, were they to do? Why, save the character of the House; for if they did not, the House was gone! His right honourable friend had exclaimed against the activity of the enemies of the constitution. He did not believe there was any considerable body of men in this country who wished to subvert it. The people collectively were attached to the crown; they were attached to the person of the reigning monarch, and

nothing but the egregious misconduct of his ministers, or those about him, could alter that attachment. He would admit that reform was more popular now than it was some years ago. The rash and ill considered measures of the last twenty years had made many converts to popular reform. The rejection of the motion made last night would create many, and in proportion as the news should fly, if parliament to its indelible disgrace, should reject the resolutions proposed, converts would increase. If the House would look back to the history of the late revolutions, they would admit that they might have been stopped at the commencement by concessions the most trifling. He wished to see reform commenced in that House; and he feared they must reform deeply if they did not reform soon. He would sit down in the confident expectation that parliament would do its duty.

Mr. Secretary Canning agreed with what had fallen from an honourable gentleman on the other side of the House, that the character of the House was more to be attended to than the character of any individual whatsoever. He perceived, however, that every gentleman who had spoken, entertained a due sense of the manner in which his noble friend had conducted his defence, and did not wish to press any severe sentence upon him. They might then take into their consideration, that the intention of the noble lord was never carried into execution, and that it certainly would have been retracted, if the noble lord had afterwards come to learn the character of the person, and the circumstances of the offer. He, therefore, in voting for the orders of the day, by no means thought that the House thereby would pronounce that the case submitted to them was not of very serious importance, but that the voting for the other orders of the day was, according to parliamentary usage, a way of shewing that the House had taken the case into its consideration, and that having weighed all the circumstances, they did not think it necessary to come to any criminating resolutions. In order however to express this opinion more clearly and *unmistakeably*, he would rather wish that instead of the orders of the day, a resolution should be substituted, declaring that the House saw no reason for a criminating resolution.

Mr. Tierney wished rather to be lenient than severe towards Lord Castlereagh; but when so much had been

said about the great candour of his defence, he must observe that in his defence he had only repeated what he had said before the Committee, and it must be recollected that the fact had been fully proved against Lord Castlereagh in the Committee by the evidence of Lord Clancarty and others, before Lord Castlereagh had himself been examined. He did not see that it was any mitigation to say that Lord Castlereagh had been so particular about the fitness of the person recommended, as those writerships were always given to boys, and the son of a chimney-sweeper might be just as fit as the son of a nobleman, if he had interest to get a recommendation. As the fact was not only clearly proved, but confessed, he could not see how the House could avoid expressing its displeasure. When the House ordered Mr. Davison to be prosecuted for a lesser offence, with respect to corrupt influence at elections, he could not see how, with any shadow of impartial justice, they could come to such a resolution as was proposed by the honourable secretary.

Lord A. Hamilton, in his reply, denied that he meant to impute to Lord Castlereagh any knowledge of pecuniary advantage to be gained by the business. He also made explanations with respect to what he had stated concerning the Marquis of Sligo.

At a late hour the House divided on the original motion:

Ayes, 167. Noes, 216.—Majority 49 against it.

The gallery was not re-opened to strangers, and the House shortly afterwards divided on Mr. Canning's amendment.

Ayes, 214. Noes, 167.—Majority 47.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 26.

Their lordships, after speeches from the Chancellor and Lord Redesdale, affirmed the decree of chancery, in favour of the minor canons of St. Paul's, against the parish of Gregory, with (upon the motion of Lord Redesdale) 150*l.* costs.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 26.

On the motion of Sir Samuel Romilly, the report of

the bankrupt laws amendment bill was taken into consideration, agreed to, and the bill ordered to be engrossed and read the third time on Friday.

Mr. Painell wished to know from ministers, whether it was their intention to comply with the claims of this petition and several others, under the late Dublin police establishment, for compensation. If it was their intention, he should think it extremely unjust towards the public; for, if the allegations of those petitioners were true, that they had competently performed their duties under the old system without complaint, there appeared no reason why they should not be continued under the new, or why 15 persons should continue to receive sinecure salaries for life, of 500*l.* a year each, instead of continuing to perform those duties for which they were competent, while, for no other apparent reason than to create patronage for government, fifteen other persons, with new salaries, were to be appointed in their places, and thrown as an additional burthen upon the country.

The Chancellor of the Exchequer said, the proper time to discuss the subject would be in the Committee to whom the petitions were referred.

Mr. Rose moved for leave to bring in a bill for regulating the trade with Martinique.

Mr. Marryatt expressed his surprize, that when a deviation so great from the general colonial system was proposed, none of his majesty's ministers had thought proper to communicate to the House any reason for such deviation; he considered the price of sugars would be equally affected, whether those from Martinique were admitted only for exportation or for home consumption also; and not allowing the inhabitants of that island the privileges of other British colonies, might create disaffection, and was contrary to the spirit of the proclamation of our commander.

The Chancellor of the Exchequer defended the measure, and contended, that the restrictions proposed to the Martinique trade would be beneficial to our own colonies, and was not aware that any proclamation had been issued, of which this regulation would be an infringement. He professed his readiness to discuss the measure on a future day, and only wished at present for leave to bring in the bill.

Mr. Jacob remarked, that the proprietors of West India estates had always shewn a great degree of tenacity to main-

tain a monopoly of the supply of the British islands, and that it did not appear their produce would be much affected, whatever regulations might be adopted with respect to Martinique; but as they entertained a prejudice on the one hand, and the inhabitants of Martinique on the other, it was the business of the House to legislate impartially between them. He felt it impossible not to lament the situation of our own colonies, the property of which was depreciated in a most ruinous degree. It would be no small alleviation to them if the importation of French brandies were prohibited: this would increase the consumption of rum, its natural substitute and the production of our own colonies. Brandy was by no means a necessary of life, and by allowing its consumption we were benefiting the enemy. He gave government credit for their determination to prohibit its importation, but their views were in a great measure frustrated by the licences now outstanding, circulated in different parts of Europe, and of which a shameful traffic was made.

Mr. Rose, in the present stage of the business, was willing to waive the discussion of Martinique sugars, but denied any assurance being given to the inhabitants that the island should, in all respects, be in the same situation as other British colonies. He asserted, that no licences for the importation of French brandies had been granted for the last six or eight months, except in circumstances of peculiar hardship, when the brandies had been paid for by British subjects; and that even under those circumstances, none had been either granted or renewed lately, nor would they in future.

Mr. Horner contended, that the sale of licences had been carried to a great extent, and was an evil that much required correction; that he did not altogether disapprove of making a distinction between Martinique and our other colonies, but it was of importance to ascertain whether any promises to the contrary had been held out by our commanders.

Mr. Baring coincided in opinion with Mr. Marryatt and Mr. Jacob, in respect to placing the sugars of Martinique on the same footing as those from our own islands, and condemned the abuse which existed in respect to licences. He regretted that at a time when it was thought necessary for government to interfere so much in affairs of commerce, the board of trade was filled by noble lords

and learned lords, and not by men of practical commercial habits.

After a few words of explanation from Mr. Perceval, Mr. Rose, Mr. Horner, and General Tarleton, leave was given to bring in a bill.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 27.

SPANISH PAPERS.

Mr. Abercrombie rose to make the motion of which he had given notice, relative to the general orders issued by General Sir John Moore at Salamanca, &c. in Spain. His sole object in moving for these papers was, that the character of that gallant and highly lamented officer might appear in its true colours. He did not apprehend there could be any objection to this motion, and should therefore mention the papers, viz. copies of the general orders issued on the 25th of October, 11th of November, and 23d, 27th, and 30th of December.

Lord Castlereagh said, he should be sorry to refuse any papers which might be thought necessary to vindicate the character of the gallant officer alluded to; but he must resist the motion; first, because the executive government could not comply with it. No such papers were in his office, nor did he know where they were, except they might be in possession of the adjutant-general in Spain. In the next place, he thought it a serious question of prudence whether such papers ought to be called for, as the orders of generals to the army under their command were conveyed in a tone which might be necessary to keep up discipline, and might not perhaps be quite consonant to the feelings of the House, and should not therefore be made public.

General Tarleton said, that if the noble lord would refer to the adjutant-general, he would easily find where the papers moved for were. As to the other objection to the tone of general orders, and their not according with the feelings of the House, he thought it very futile. They were always clear and concise, and so far not consonant with the long speeches in that House; but if those moved for were supposed necessary to clear up any doubts as to

the conduct of the gallant and lamented officer alluded to, they ought certainly to be produced. He should therefore take the sense of the House on the question.

Mr. Abercrombie said, that as, contrary to his expectation, his motion was opposed, he would beg the attention of the House while he briefly stated his reasons for making it, and why he thought the objections of no weight against it. As to the first, it would be easy for the order of that House to be directed to the adjutant general, and if he had not the papers, then to the adjutant-general of the army in Spain. With respect to the second objection, of the tone of a commanding officer being different to what it would be if addressed to the House, it made, he thought, rather in favour of the motion; there could not, certainly be any object which the House ought more to wish the knowledge of than the state of the discipline of the army. As to the gallant officer who is the object of the motion, he (Mr. Abercrombie) was sure that brave general never wrote or expressed a sentiment relative to the army under his command, which he would not have published and wished to be known to the whole world. It was very well known that a considerable alarm had gone abroad respecting the disorder and want of discipline in the army under the command of Sir John Moore, which had shewn itself particularly in the retreat from Sahagun to Corunna, and that this want of discipline was not owing to General Moore. Now if those orders were made public, they would shew plainly and clearly that the fault was not with him. If the noble lord meant these orders should not be known to the public, and if it were true, as the noble lord had admitted, that every thing had been done by Sir John Moore in the retreat from Sahagun to Corunna, that could have been done by the ablest general in any service, then the arguments amounted to this, viz. that you must not hurt the feelings of the army, but you may sacrifice the honour and character of the officer who commanded. If any thing had been done by the gallant officer alluded to, which was at all faulty, it was entirely owing to ministers; and as he had, unfortunately for the country, fallen a sacrifice to the situation in which he had been placed by them, or by their adherents, it was extremely hard to sacrifice his character, as well as his life, to screen themselves. The whole of these orders had been published in the newspapers, and if refused, that House

MR. FRERE'S LETTERS.

Mr. Eden rose to make the motion of which he had given notice. He said that on the 4th of December Mr. Frere wrote to Sir John Moore, mentioning the disposition of the people of Madrid to defend the place, and requesting Sir John Moore to delay his intended retreat. This letter he dispatched by a Frenchman, and General Moore received it on the 5th December. He received at the same time a dispatch from the Junta of Madrid, which was the paper of which, by his motion, he wished to have a copy laid before the House, or at least so much of it as might with safety be produced.

It had been intimated to him by the right honourable secretary (Mr. Canning,) that ministers had not possession of this paper: he happened, however, to have himself a correct copy of it, and would, with leave of the House, read it as a part of his speech, which he did, and it purported to be a dispatch from the Junta of Madrid, dated 3d December, signed Castel Franco and Don Thomas Morla; and stated to Sir John Moore, "that Castanos was advancing to Madrid with an army of 25,000 men —that 10,000 men, or another army, were also on their march to Madrid—that the people were determined to defend it, and they had no hing to fear from the French, and concluded by pressing Sir John Moore to advance with his army to join and support that under Castanos." On that very day it was to be observed, Don Thomas Morla had an interview with the French general, the Duke of Istria, and on the very next day the French took quiet possession of Madrid. Whether Morla acted from ignorance or treachery, he could not have employed a better instrument than Mr. Frere's letter. This dispatch had been received on the same day as Mr. Frere's, and there was every reason to suppose it was intended to lure ge-

General Blake and his whole army to their ruin. That gallant general had received orders from his majesty's ministers to attend to the requisitions of Mr. Frere and the Junta of Madrid, and it was a most providential circumstance that the gallant general did not allow himself to be driven into the snare, to which either the ignorance or credulity of Mr. Frere had rendered him liable. It appeared that Sir John Moore had attended to Mr. Frere's representations; for by part of a letter, which he wrote in August, he refers to this dispatch of the Junta of Madrid, and says, he had ordered Sir David Baird to fall back upon Astorga. It was therefore of importance to have a copy of this dispatch. The remaining part of his motion would be for the extraordinary correspondence between Mr. Frere and Sir John Moore. He concluded by moving for "a copy of a letter from the Junta of Madrid referred to in a letter of Sir John Moore to Mr. Frere, dated the 6th of December 1808."

Mr. Secretary Canning said, he would restate what he had before intimated to the honourable gentleman, that the paper was not in the office, and could not therefore be produced. It seemed, the paper read by the honourable gentleman was a copy of that moved for. He did not interrupt him in his speech, nor call him to order for reading it, as he had been by a right honourable gentleman opposite on a former occasion. He did not mean to complain of what had been done, but should content himself with repeating, that it was not in his power to produce the paper moved for. As to the other part of the motion, the papers were not in his department.

Mr. Tierney said, there was a great difference between the case of the present motion and that alluded to by the right honourable gentleman. He had not called his honourable friend to order, because he had done nothing that deserved it; and when he called the right honourable gentleman to order on a former account, it was not for reading a copy of any single document, but garbled extracts of several documents which were in his exclusive possession, and which no person on his side of the House (Mr. Tierney's) had it in his power to contradict or refute. He thought the House was obliged to his honourable friend for having brought forward the motion. Mr. Frere had either kept a bad look-out, or been extremely credulous; and he hoped if the right honourable gentleman could do

it, he would produce the dispatch in question. As the other papers were not in his department, he should say nothing farther of them then.

Mr. Secretary Canning in explanation said, the dispatch alluded to had been sent by Don T. Morla from Madrid, from that part of the Junta left there; but Mr. Frere had accompanied the Junta when they left Madrid, and went to de la Rana, so that he might know nothing of it.

Lord Henry Petty could perfectly comprehend that the dispatch might be sent from Madrid; but he hardly thought the right honourable secretary had attended to all that had been said by his honourable friend. There were two letters from Mr. Frere, and the motion went to the dispatch accompanying those letters.

Lord Castlereagh said, he was not in possession of any such information as that stated by Mr. Eden. He denied expressly, that Charmilly had been sent into Spain by his recommendation.

Mr. Whitbread said, the motion had produced two things which had surprised him, the speech of the right honourable Secretary, and to find that the noble lord near him was still his colleague. The noble lord continued one of his majesty's ministers; but he should remember that the sturdy oak frequently fell a sacrifice to the storm, while the more pliant bulrush bent beneath it in security.

Lord Castlereagh said, whatever his intention might be, the opinion of the honourable gentleman would never have the least weight with him.

The Chancellor of the Exchequer said, he believed, that whatever might be the surprise of the honourable gentleman opposite (Mr. Whitbread), it was confined solely to himself; and the conduct of the whole House had evinced, that they thought his noble friend had no intention whatever to act contrary to the privileges of the House; and there was not, therefore, any reason, why his noble friend should gratify the honourable gentleman by resigning.

General Tarleton said that he had heard Buonaparte once called the child and champion of jacobinism, now he would call the noble lord the child and champion of office. He wished to relate a story of Colonel Charmilly which had come to his knowledge, and which would tend to set that gentleman's character in a clear point of view to the

House. He had been acquainted with a Mr. Devereux, a catholic delegate from whom this Colonel Charmilly had unfairly won a sum of money. Mr. Devereux, indignant at this treatment, came to him (General Tarleton), to be the bearer of a challenge.

Mr. W. Stuart called the honourable gentleman to order.

The Speaker said it was for the House to consider, as the name had been mentioned, whether they should enter into the merits of a character who had been introduced incidentally, and respecting of whom no particular notice had been given.

General Tarleton said he thought it his duty to detail the anecdote, in order that the character of Sir John Moore might be effectually cleared.

The motion was here read from the chair.

General Tarleton proceeded.—It appeared that this Colonel Charmilly had been the bearer of the dispatch to Sir J. Moore; he therefore came before the House in that kind of military, diplomatic character. Now when this Colonel Charmilly was charged with his conduct to Mr. Devereux, what did he do? Why, simply denied ever having played with Mr. D. at all. The business was not proceeded in, owing to the interference of a very respectable man, the Comte de Vaudreuil, who represented the total ruin in which it must involve Colonel Charmilly. Such was the man whom Mr. Frere chose to authorise to interfere with Sir John Moore.

Mr. Whitbread and Mr. Canning mutually explained; after which the motion was put and negatived without a division.

NEWSPAPERS.

The House having resolved itself into a Committee,

Mr. Huskisson stated, that according to an agreement entered into, in the year 1797, it was stipulated that the proprietors of newspapers should be allowed 12 per cent. duty on stamps, provided they were restricted in the sale of their papers to the price of sixpence. They were to be allowed this discount, provided the price did not rise above six-pence; but if it did, the discount was discontinued. This agreement, at the time it was made, was just, for the expenses attending the publication were commensurate to the restriction. Since that period,

however, owing to the rise in paper, the additional expence of labour, and a variety of other circumstances, the present profits were not adequate to the expenditure. It surely then could not be just now to continue an agreement which had been made under very different circumstances from those now existing. Two modes were proposed, in order to meet the present circumstances. The first was, to take off the discount altogether, and allow the proprietors of papers to sell at their own prices; the other was, to raise the limits of the discount: the latter method was, in his opinion preferable, for though the consequence would no doubt, would be the raising the price of newspapers one half-penny in each, still this would not place the proprietors in as prosperous a situation, owing to their additional expenses, as they were in in the year 1797, when the agreement was first made. In the year 1801, an additional duty had been laid on paper; and of course an additional discount was allowed; but the duty having been repealed, the additional discount was also taken off. He then moved that "leave be given to bring in a bill in order to amend the 37th of Geo. III. relating to the restrictions on newspapers."

Mr. G. Johnstone was surprised at the motion which had been made. He had rather expected that the discount would be taken off entirely, and that the price should remain as it at present is. Various circumstances concurred to shew, that newspaper proprietors considered they had a good trade of it. For instance, a paper had been lately set up, which thought proper to extend itself from four (the usual number of columns) to five columns. It was, in his opinion, impossible that the sale of the articles should be increased, unless the value of it rose in proportion. He did not see then, if this was the case, why this additional encouragement should be given.

Mr. Hushisson said, that he for his part would be glad to take off the discount altogether, and leave the restriction in price to the fair efforts of competition. He was sure, however, that the immediate effect of that would be, the increase of the price to seven pence. With respect to the objection of one paper having raised the number of its columns to five, the reason of that he supposed was, that its proprietors thought they should profit by the additional number of advertisements, in which the

chief value of a paper consisted. This was the exact case, he believed, with this individual paper, which had been established by a body of gentlemen, who looked chiefly to entertainment. The great evidence of the burthen of the restriction was, that the aggregate number of daily papers was not increased since 1797. This was a fact which he had ascertained from the commissioners of stamps. It was true, that a number of additional denominations of papers had been lately established, but still the fact remained, that such establishments were more than counterbalanced by [illegible] often followed by ruin to the adventurers. [illegible] *Chronicle* of the *Examiner*, said, it was very true, that an additional number of papers were continually appearing, but these papers were not diurnal prints, which incurred necessarily a very heavy expense in their establishments, but weekly and two days a week papers, which could glean their intelligence from the daily papers, without having to pay the sources from whence it was derived; of course the circumstance of their appearance ought not to militate against the daily paper, which gave to them much of its advantages, while it could not extend any of its expences. The paper which had extended its columns to five was a daily paper, it was true; but then, in order to support itself, it was compelled to publish at an early hour, which early publication necessarily prevented it from participation in the sources of information from which other papers derive much of their interest; for instance, it was not able fully to give intelligence of what was passing in that House. He supported the present measure from an absolute conviction of its justice and its policy, for surely it would not be equitable to keep newspaper proprietors to the strict limitation as to letter of an agreement, when the foundation on which such agreement stood had sunk. Why should they be restricted in the sale of their paper, when the expence attending it had been extended? Papers which had a variety of advertisements might profit by it; but there was the result of much labour and a long establishment, and was in all events no reason why those which had fewer should suffer. A great multiplicity of papers were now printed in this town; but such speculations were extremely hazardous, and were often kept in vogue a short time from too long protracted hope and

a natural disinclination to dissolve a regulated establishment. The question was then put, and agreed to without a division.

OFFICE SALE PREVENTION BILL.

The Chancellor of the Exchequer moved the order of the day for the House resolving itself into a Committee on the office sale prevention bill.

On the motion for the Speaker leaving the Chair,

Mr. Harner expatiated on the impropriety of allowing offices in the courts of law to become saleable. This practice had been justly reprobated by all judicial characters, from Lord Kaimes, downwards. The Committee of Finance in 1797 had disapproved of the custom, and had recommended strongly its discontinuance to the House. He merely threw this out as his opinion, for he did not mean to make any specific motion on the subject.

The Chancellor of the Exchequer agreed with the honourable and learned gentleman, that the subject to which he had alluded was deserving of consideration, and was of opinion that the House should come to some resolution upon the question in the present session. It would not be right to proceed further in the present instance without communication with the courts, with a view to guard, in any future measures, existing rights and vested property. In the last session he had given notice of his intention in the present to bring forward a proposition for the increase of the salaries of the puisne judge, and he had to state, that that was still his intention. He thought it would also be right to increase the salaries of the Welsh judges, and of the chief justice of the Common Pleas, and of the chief baron of the Exchequer. He had not brought forward this measure at an earlier period of the session, because from the feelings which the mention of it seemed to have excited, he did not apprehend any opposition to it when he should propose to carry it into effect. But he trusted that the House would not think it necessary to make any provision respecting the sale of judicial offices, before this regulation should be adopted, but content itself with a resolution declaratory of its intention to take up that subject next session. In the exceptions, therefore, in the present bill, he proposed

that these offices should be included, and should not propose to delay one year the consideration of the expediency of making some regulation respecting them, if that delay could effect or interfere with the administration of justice. But the offices were purely ministerial; and there were other judges in the different courts, besides those who had the disposal of these places, and who could decide whether the persons appointed were adequate and fit for the offices. It was matter of surprise, that such places should have been excepted in the act of Edward VI.; but, as they had been so long excepted from the operation of that act, and allowed to be sold, it would not be just to take away the right of disposing of them without due consideration, and an adequate equivalent.

Mr. Henry Thornton observed, that in his idea the operation of the bill ought to be extended to sinecures in the courts, and offices sold by persons holding such sinecures. He did not know all the cases, or how many sinecures of that description existed, but he was confident that many offices were sold that did not belong to the courts of justice to dispose of. The third report of the Finance Committee contained a recommendation to abolish sinecures in the courts of law. The Committee of Finance in 1797, had also recommended the abolition of such places, the profits of which were then estimated at 26,000*l.* By the late report, it appeared that the amount of these profits had since doubled. There may perhaps be room for further inquiry before any legislative measures should be enacted; but when it appeared that the profits of such places amounted to no less a sum than 52,000*l.* it was his opinion that this sum would afford a very ample fund to remunerate those whose property might be injured by taking away the right of selling judicial offices.

Mr. Rose stated, that there were many inaccuracies in the estimates of the Committee, and instanced one office, which they had set down as having 2500*l.* profits, when the actual profits did not exceed 500*l.*

Mr. H. Thornton admitted, that some inaccuracies might have existed in the report, which the Committee was at present engaged in examining with a view to their correction, but still declared, that the gross amount of the profits of such places was such as he had stated.

Mr. W. Wynn thought that not only the interests of the judges should be protected, but also the interests of other persons who held offices for life, and who exercising the right of selling offices in their departments; which right, he was of opinion, ought not to be violated to continue. Nothing would more effectually contribute to make the public submit more obediently to the burthens that are necessary, than that they should see that every saving of the public expenditure that was possible was resorted to.

The House then resolved itself into a Committee upon the bill, Mr. Wharton in the chair.

On the first clause, for extending the operation of the bill to all offices in England and Ireland, an amendment was proposed by Lord Folkestone, to insert the words "and in any part of his majesty's dominions or plantations." The Chancellor of the Exchequer replied, that the object of the noble lord was secured by words to the same effect in a subsequent part of the clause. Mr. Maxwell, in seconding Lord Folkestone's amendment, proposed that the operation of the bill should extend to the sale of sheriff's clerkships, and of offices under the keeper of the signet in Scotland. To which the Chancellor of the Exchequer answered, that the bill would extend as worded to all offices not legally sold in Scotland, and if the offices alluded to were of that description they would be included within the operation of the bill.

After a few words from Mr. Horner, stating that judicial offices were not enumerated in the bill, and a reply from the Chancellor of the Exchequer, that they were enumerated in the act of Edward VI, which was to be affirmed by this bill the clause was agreed to without the amendment; and on the suggestion of the Chancellor of the Exchequer, the office of treasurer of the navy, which had been inadvertently omitted, inserted in the clause.

In the clause extending the operation of the bill to all offices, civil and military, the word "naval" was introduced on the motion of Lord Folkestone.

A long discussion took place upon an amendment proposed by Lord Folkestone to insert the words, "and all offices in the East Indies," which terminated in the adoption of the amendment, restricting it to offices in the appointment of the governor-general. The speakers were Lord Milton, Mr. Moore, Mr. Wallace, Mr. Sturges

Rennie, Mr. Forbes, Lord Follestone, the Attorney General, the Chancellor of the Exchequer, Lord Castlereagh, and the Solicitor-General.

Lord Follestone proposed, for the purpose of obtaining evidence, to give a reward to the informer, and to indemnify him or them to any penalty to which they might be subject under the act; the reward to be paid by the person transgressing, and not to be less than 200*l.*

The Chancellor of the Exchequer objected to the amendment, and pointed out many inconveniencies that would result from its adoption.

Lord Follestone acquiesced in the objection, and suggested that the chairman should report progress. Amendment withdrawn.

On the clause of the bill relating to purchases of commissions in the army, where the regulation price was exceeded, a long conversation took place, in which the clause was opposed by General Loft and Mr. Spencer Stanhope; and supported by the Chancellor of the Exchequer, Messrs. Ellison, W. Smith, Huskisson, and Rose. The clause was agreed to.

On the motion of the Chancellor of the Exchequer, the clause relating to opening houses for the sale of places, and advertising and printing the same was rejected; and two clauses introduced in place thereof making the first offence a misdemeanor, and printing subject to a penalty of not more than 500*l.* or less than 50*l.*

The other clause having been gone through, the bill was ordered to be reported on Monday.—Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 28.

Lord Auckland stated, that the nature of his motion for Tuesday next respecting divorces, would be to make it a standing order of the House, that no divorce bill should be received that did not contain a clause forbidding the intermarriage of the adulterers.

The House went into a Committee on the local militia bill.

Lord Sidmouth approved of the bill, hoping it was intended to make the militia more efficient, by making the Irish and English militias available for the general defence, and officered by the crown.

Lord Liverpool reviewed the general difficulties of the system of general defence. Leisure had been at length given to government to mature its plans for the internal defence of the country. The local militia was already further advanced than the most sanguine could expect. The last returns were 188 battalions in England, consisting of an effective force of 150,000 men, 66 battalions in Scotland, consisting of 45,000 men, making 254 battalions of 195,000 men.

Lord Selkirk enlarged on the advantages of the rotation system he had himself proposed. By the present mode, our local militia's services expired in four years, and then we should have to begin again.

Lord Sidmouth recommended Lord Selkirk's ideas to government's consideration.

Lord Liverpool said, that those and many other systems merited attention. The greatest part of the local militia were volunteers, and it was not likely they would avail themselves of the period of the expiration of their services.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 28.

DECLARATORY RESOLUTION.

Lord H. Petty rose to make the motion of which he gave notice last night. He thought it would not be necessary for him to trouble the House at any length, but the subject to which he wished to call their attention was of great importance. It was a leading principle of that House, that no money appropriated for a particular purpose should, during the sitting of Parliament, be made use of for any other purpose without an application to Parliament, and leave given so to do. It happened, however, that in the months of May and June last, his Majesty's ministers had acted directly in the teeth of this principle; for it appeared, in the very beginning of the army extraordinaries for this year, that in the month of May last, a sum of 5,000*l.*, and in the following month another sum to the same amount, had been issued to Mr. Chinnery, to pay over to the Chevalier Souza, the Portuguese minister at this court, for the purpose of conveying

the subjects of Portugal to the Brazils; and that during the recess of Parliament other different sums had been issued for the same purpose, to the amount of 85,000*l*. He was not prepared to say what exigency or expediency there might be for doing this, because he had not either in or out of Parliament received any intimation on the subject; but he submitted it to the consideration of the House, that the rule he had alluded to had uniformly been acted on from the time of the Revolution; and where any departure from it had taken place, it was only to be justified by the special circumstances arising out of the case. In those instances remembered by the House, it would be found that, even in cases of small comparative consequence with this, the House had always entertained the greatest jealousy. In the case of 1711 it was only a small sum, diverted from one appropriation to another; but here was a sum of great magnitude, no less than 85,000*l*. ten thousand of which had been appropriated while Parliament was sitting, and the remainder during the recess, which had never been voted by nor in the contemplation of Parliament for the purposes to which it had been applied. They were not then to be told, that in consequence of the increase of public business, of the extensive and extraordinary wars which had for some years been carried on, it was difficult to act on old and acknowledged rules, laid down for the appropriation of public money. He would allow there was a degree of latitude to be given, but it was the duty of the House to watch the exceptions which occur, and to take care they did not overrun the general rule. It was on that principle of jealousy that votes of credit were never allowed till the year 1757, and from that jealousy arose the limitation of the use of the public money. This practice, which he now wished to guard against, began in the course of the American war; and in 1782, it was observed by one of the most respectable commissioners ever appointed by that House, that sums of money had been applied as army extraordinaries, which never belonged to them, and that was looked upon by them as applying the public money without the consent of Parliament. In 1797, Mr. Pitt sent a large sum to the Emperor of Austria; but it was then said, that the state of public credit positively required it; and it could not be, nor was it attempted to be, justified on any other ground than that of absolute necessity. He could not say

what necessity there might be in this case; but he hoped the smallness of the sum would not be allowed as a plea in palliation of it. It was out of his power to anticipate the reasons which had led to this transaction, but there could be no case that more called upon the vigilance of that House to inquire into. He would not then detain the House longer, but thought it his duty to move a declaratory resolution to the following purport:

"That applying any sum or sums of money, not appropriated during the sitting of Parliament, or without any communication respecting the same, is a misapplication of the public money, and subversive of the privileges of that House."

The Chancellor of the Exchequer said, he could not deny the principle of the noble lord, that it was extremely necessary that the House should entertain great jealousy as to the fair and just expenditure of the public money; but the extraordinary nature and extent of the wars we had for several years been engaged in, made it altogether impossible to conform scrupulously and rigorously to every rule that had been laid down on that head. The noble lord's chief objection was, that two sums of 5000*l.* had been paid during the sitting of parliament; if these payments had been made during the recess, he supposed no fault would have been found with the transaction. The noble lord seemed to think there was no precedent of the kind, but he could assure him there were; and he had no occasion to recur for them to former times, but only to the times of the noble lord himself when he was a minister. If the House looked to the items, they would perceive, that on the 20th of May and 3d of June last, two sums of 5000*l.* had been issued to Mr. Chinnery to be transferred to the Chevalier de Souza for the benefit of the Portuguese emigrants who wished to follow their prince to the Brazils; and he contended that these two articles were as legitimate an expenditure of the public money as ever was made. The government of this country had, when the French possessed themselves of Portugal told the Portuguese that such of them as could make their escape from Portugal should be furnished with the means of conveying themselves to the court of their lawful prince. If, instead of being paid over to Monsieur de Souza, these sums had been paid to our commissary-general, would it not have properly come under the head of army extraordinaries?

He contended most confidently that it was an army extraordinary. Could any man fairly say it was not an article growing out of the war? If the noble lord's principle were admitted to the extent he seemed desirous to carry it, it would go near to impede the issue of any army extraordinaries whatever. When the noble lord was in office, he did the same thing; and surely he could not now call seriously on the House to vote such a resolution as he had just proposed to them, a matter in which he had frequently acted in precisely the same way, and which, if not followed, it would be impossible to carry on the public business. The noble lord looked with a very watchful eye to the theory of the constitution, but he had totally closed it upon his own practice. It was an expenditure made on account, and for the benefit of our emigrant allies, and was therefore referable to the army extraordinaries. He agreed with the noble lord, that the House ought to be jealous, and they had very properly shewn that jealousy on Mr. Pitt's advance to Austria, and Mr. Pitt justified himself on the necessity of the case. In January, 1807, when the French had entered into, and were ravaging Hanover, 5000*l.* was issued to Count Munster, for the purpose of assisting such Hanoverians as wished to leave that country and come to this, to effect their escape, and convey themselves hither. In February, March, April, and May, different sums was issued to Count Munster for the same purpose, and the House would find a vote recognizing this. All these sums were issued during the sitting of parliament, during the administration of the noble lord. He (Mr. Perceval) did not quarrel with this; but this was an expenditure so very analogous, he could not see how the House could pass a resolution which would not only restrict government at this moment, but at all other times from applying money on this account. He had no doubt of the propriety of the expenditure; every circumstance was fairly stated, and it would be found impossible for government to be troubling parliament with applications from day to day. Under these circumstances, he must move the previous question.

Mr. Tierney denied, that the advances to Count Munster were analogous to these. The former were for military services, and therefore came properly within the army extraordinaries; these were not for military services, and therefore did not belong to that head of charge. How

could the right honourable gentleman call this an army extraordinary, when it was given to persons not to assist the Spaniards, or those who are defending Portugal, but going out in a peaceable character and civil capacity to the Brazils? He thought this was such a transaction as fully justified his noble friend's motion, and he hoped he would not alter a word of it. Here appeared to be an expenditure of 100,000*l.* more than had been voted, and so it was put into the army extraordinaries. What had we to do with the Portuguese going to the Brazils? If this was not a serious ground for a parliamentary motion, he was at a loss to conceive what was. There was no reason whatever for allowing this, but because it had been put into the army extraordinaries without the shadow of any circumstance which shewed it to belong to that head of expenditure.

Lord Henry Petty briefly replied, he was very much surprised to hear that the effect of his motion would be, in the opinion of gentlemen opposite, to render the progress of the public business impracticable. Now so far from having any such subject in view, he had distinctly stated, that it was impossible strictly to carry into effect the appropriation act. That was, however, no reason that parliament should not have a just control upon the public money. The definition given of an army extraordinary to-night was one of the most extraordinary definitions he had ever heard; it was said to be any unforeseen expenses arising from the war. Why, in that sense not one of the miscellaneous services but might be called so; even the grant to the French emigrants, and that lately made to those who had suffered by Baron Hompesch, might be termed army extraordinaries. He defended the grant made to Count Munster, and contended that Hanover and Portugal were by no means in similar situations. He did not object to the grant itself, which he considered as a magnanimous one, but to the principle on which it was made.

The Chancellor of the Exchequer explained, and the previous question was carried without a division.

Mr. Huskisson obtained leave to bring in a bill, permitting prize goods, condemned as droits of the admiralty, and restored to be sold, without paying the duty of home consumption.

On the motion of *Mr. Wilberforce*, the charitable do-

nation bill was read a first time. To be read a second time on Wednesday.

Sir John Newpot moved, "That an account of all sums advanced by the treasury of Ireland since 1793, for militia purposes, and also levied at each assizes for the same purposes, be laid before the House," which was agreed to after a few words from Mr. Croker, Mr. M. Fitzgerald, and Sir John Newport.

Mr. Canning brought up an extract of a letter from Sir John Moore to Mr. Frere, dated Salamanca, Dec. 16, 1808. Ordered to lie on the table.

COMMITTEE OF SUPPLY.

On the motion of *Mr. Huskisson*, £215,429 10*s.* 7*d.* was voted to make good the deficiency of the sum voted for the extraordinaries of the army, for the service of the year, from December 25, 1807, to December 25, 1808.

Mr. Huskisson then stated, that though there had been a deficiency of 200,000*l.* in the sum voted last year, on the actual expenditure for the extraordinary service of the army, and there was a large force now serving abroad, he proposed to move, for the extraordinaries of the army, for the service of the year 1809, the same sum which had been voted last year, viz. £3,000,000 0 0

To defray the expense of the commissary general's department, being nearly double the sum voted last year, but 200,000*l.* less than the actual expenditure under that head in the last year	1,080,000 0 0
For the barrack department, being nearly the same as the sum voted last year	379,563 0 0
To defray the expense of the office of the examiner of barrack accounts for the year 1809	4,260 0 0
Secret service money for the year 1809	175,000 0 0
Probable expence of the office and establishment of the commissary-general	22,651 9 1½
To defray the expense of the store-keeper-general's department	44,000 0 0
To reimburse William Mellish, Esq. for the supplies sent to the Fare Islands, in the ship *Northern Star*	1,559 0 0

To pay the five per cent loyalty loan annuities £13,215 10 6
For the poor of St. Martin's Parish 1,328 5 4
To the Rev. Thomas B. Clarke 278 6 6

The House then resumed, and the report was ordered to be received on Monday next.

COMMITTEE OF WAYS AND MEANS.

The House then resolved itself into a Committee of ways and means, to which the accounts relative to the surplus of the ways and means of last year were referred. Mr. Wharton in the chair.

Mr. Huskisson stated, that there had been no actual surplus of the ways and means of last year, but by the financial operation of the present session, in funding of exchequer bills, the aids of last year had been released from an amount of exchequer bills charged upon them. He proposed to vote their amount as a surplus applicable to the service of the present year. After a few words from Mr. Tierney, the surplus was voted to be 2,757,352*l.* 3*s.* 4½*d.*

The following resolutions were then voted:—

That there be raised by Exchequer bills for the service of the present year 6,000,000*l.*

That the expense of pay and clothing of the militia of Great Britain, and also the allowances to adjutants, serjeants major, and subaltern officers of militia, be defrayed out of the land tax.

Also that the pay, cloathing, and other expenses of the Irish militia, be defrayed out of the consolidated fund.

The House then resumed, and the report was ordered to be received on Monday.

WAR OFFICE ACCOUNTS.

Mr. Wardle, pursuant to notice, moved that there be laid before the House a return of all the annual regimental accounts now in the war office, specifying which were separate and which not, and also which had been carried into warrant from the 25th December 1797 to the 25th December 1808, and specifying whether for cavalry, infantry, or militia.

The honourable gentleman also proposed to move for an account of the deficiencies of the several paymasters within the same period. The reason why he brought forward this motion was, that he might call the attention

of the House to the sixth report of military inquiry, as the papers on the table were not sufficient to place the subject fully in the possession of the House; and that, though the clerks in the War Office had been increased since 1797, from ten to fifty, yet the accounts were as much in arrear as before this increase took place, and the business of the office seemed rather to be impeded than promoted by this increase.

On the question being put on the first motion,

The Secretary at War had no objection to the production of these papers; but as the subject was under the consideration of the commissioners of military inquiry, and the war office was occupied in forming arrangements pursuant to the suggestions of that report, and also of the 7th and 8th reports, he put it to the honourable gentleman, whether he should not defer his motion for the present, until he should know what arrangements would be adopted, especially as the preparation of these papers might interfere with the time of the clerks, now usefully occupied in the projected arrangements.

Mr. Wardle had no desire to press his motion, if his majesty's ministers were resolved to oppose it. Why had they not made the arrangements alluded to, in all the period since June last, when the report was laid before the House? He believed it likely, that no arrangement was in contemplation, till after he had given notice of this motion. But he could assure the House, that unless an entire change of system should take place, much loss would accrue to the public. What cost 50,000*l.* now, could be done for less than 30,000*l.* and this he would pledge himself to prove. He could not see why the accounts should not be settled here as well they are in Ireland. He had been on both establishments, and had suffered, together with his regiment, by the failure of a paymaster, and the arrears of accounts in this country.

The Secretray at War conceiving himself personally glanced at by the observations of the honourable gentleman, begged to assure him, that on his coming into office he had seen the necessity of making some arrangement, and had been prevented from undertaking it only by the consideration that the subject was in the hands of parliamentary commissioners of military inquiry.

The Chancellor of the Exchequer submitted to the honourable gentleman, whether, when he was informed that

the subject was in a train of arrangement, it would not be better for him to defer his motion till he should see what would be done with respect to it. Then it would be in his power to bring forward any motion he should think necessary upon the subject.

After a few words from Mr. Horner and Mr. Whitbread, deprecating the postponement of the motion, unless upon an understanding that in the present session of parliament the arrangement would be communicated to the House, or with a view to give ministers an opportunity of inquiring whether the papers could be produced without inconvenience.

Mr. Wardle declared that he had not meant any thing personal to the right honourable Secretary at War; neither did he feel any personal hostility to his majesty's ministers: for he could assure them that he did not wish to see any other set of gentlemen in their places. All he had in view in his motion was to shew, that there were faults in the conduct of the office to which it referred, which faults he wished to have corrected. He would withdraw his motion until some day next week. The motion was then withdrawn.

The militia completion bill was read a third time and passed.—Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 1.

The Irish insolvent debtors and several private bills were brought up from the Commons, and read a first time.

MR. FRERE.

Lord Darnley wished to be informed by a noble earl whether it was the intention of ministers to appoint the gentleman who lately represented his majesty at the court of the Supreme Junta to any other diplomatic mission. The answer to this question would decide him as to the propriety of bringing forward the motion of which he had given notice.

The Earl of Liverpool said, that his majesty had thought proper to recal Mr. Frere, but it could hardly be expected that he should declare whether it was or was not his intention to appoint him to any other mission. The noble earl would exercise his own discretion as to

bringing forward his motion. The noble earl mentioned the appointment of Marquis Wellesley as ambassador to Spain, and passed some very high encomiums on the great talents and experience of that nobleman.

PORTUGUESE REGENCY.

Lord Buckinghamshire said, that it was with reluctance he had given their lordships the trouble of an attendance on account of the motion he intended upon that occasion to submit to the House, but in truth, he considered the subject of Portugal so important, not only with reference to the arduous contest in which the people of the Peninsula were engaged against the French, but to the essential and permanent interest of Great Britain, that he should neglect what he deemed an act of indispensable duty, were he not to bring the question, of which he had given notice, under their lordships' consideration.

He thought it necessary, as a preliminary observation, to declare his perfect acquiescence in the sentiments of a noble friend of his (Lord Sidmouth), respecting the doctrines laid down upon a former occasion by the Secretary of State (Lord Liverpool) with regard to the production of papers, and the right of the House to interfere in matters of pending negotiation. To the principles advanced by the Secretary of State, he never could agree in the extent to which he was disposed to carry them, inasmuch as they seemed to him calculated to circumscribe and limit the most important duties of Parliament.

Upon the present occasion it was not necessary that he should take up their lordships' time by combating them, as he was not aware that the papers for which it was his intention to move, would be objected to, upon any other ground than the inexpediency of producing them.

Lord Buckinghamshire then proceeded to make some observations upon the geographical situation of Portugal, its capability, from the strength of its militatry positions to resist an invading enemy, and the disposition of the Portuguese people for the profession of a soldier.

Portugal, he said, was so situated as to afford the readiest means of assistance to the Spaniards, either in the centre, the north, or the south of Spain—an advantage, in the present contest, the most momentous that could be conceived; and which was truly described by the

Junta of Gallicia, when "they expressed to Sir Arthur Wellesley the greatest anxiety, that the troops under his command should be employed in driving the French out of Portugal, as they were persuaded that the Spaniards of the north and south of the Peninsula could never have any decided success independently of each other, and till could not even make any great simultaneous effort to remove the French from Spain, till they should be driven from Portugal, and the British troops should connect the operations of the northern and southern armies."

The success of the Spaniards, his lordship remarked, might thus be improved, and any reverses the French might meet with rendered fatal by a sudden and judicious movement of the British troops.

The strength of Portugal, he said, as a military position, was not only known to the professional men who had served in that country, but must be obvious to every one who had referred to the maps. Its defiles, its mountains, and its rivers, were most conspicuous features; which, added to the sterility of the soil in most of the provinces, were circumstances of infinite weight in a defensive campaign, a country that does not furnish subsistence to its inhabitants for seven months in the year, may easily be placed in a situation that would leave nothing for an invading army to live upon.

Without going further back into the history of Portugal than the seven years' war, the campaign under the Comte de la Lippe will afford ample information as the natural means of defence afforded by Portugal.

That able general found the Portuguese army without discipline and without any officers of experience to form or conduct it; but the spirit of the people was roused, the confidence placed in him by the government was unlimited, the resolution to exertion most decided, and although he never was able to bring into the field an army of 17,000 men, 3000 of whom indeed were British, contrived to baffle all the efforts, and defeat the plans of a combined force of 42,000 men, 6000 of whom were French, under the command of the Prince de Beauvais.

As testimonies of the hardihood, obedience, and bravery of the Portuguese soldiers, his lordship then cited the following instances—Lord Townsend, in a letter to the Marquis de Pombal, of the 17th of February, 1762,

writes thus: "Notwithstanding all these fatigues and difficulties, the Portuguese soldier obeyed with the greatest cheerfulness; and I ought to add to his praise, that if he was ill clothed and ill disciplined, he was at the same time contented and subordinate beyond any thing I had ever seen in any part of the world. What advantages might not one expect from such a disposition improved by military art!"

The Comte de la Lippe, in his Memoire, speaking of a march made by Lord Townsend, says: "This march was executed by the skill of General Townsend, and by the admirable perseverance of the Portuguese troops, who supported the greatest misery. The larger proportion of them having worn out their shoes, marched *gaiment* over steep rocks, leaving on their route the traces of their *pieds ensanglantes*."

A French author, the Duc de Châtelet, speaking of Portugal, expresses himself in the following manner:

"The inhabitants whereof are naturally spirited, and in whom valour has scarcely had time to spor(*engourdissement*) which has nearly taken possession of all their other faculties."

Lord Buckinghamshire said, he had adverted to these authorities for the purpose of shewing what might have been done, had the proper measure been resorted to, for calling into action the resources which Portugal was calculated to afford; and, whilst he contemplated with satisfaction the steps which the government were then taking, he had only to express his hope, that they might not be too late.

He could not leave this part of the subject without stating to their lordships that he had seen a most able plan of an attack upon Portugal from Spain, written by a Frenchman in the year 1763, when calculating the Portuguese army at 30,000 men, he allots a force of 75,000 for the attack, judiciously tracing the whole progress of the campaign, the preparation for which, he says, must be made before the breaking out of war, as it would be indispensably necessary to collect provisions for the whole army, urging as a consideration nearly conclusive upon the success of the undertaking, that it should be executed with a rapidity that did not admit of the arrival of British succours. If such was the opinion of a person whose work no man could read without the most thorough conviction of his capacity to form a correct opinion

upon the subject—if an attack upon Portugal, in order to be effectual, required such preparation, and such means, and that at a time when the Spanish government was undisturbed, when the attacking army was to be aided by a friendly country in its rear, and had consequently no precaution to take for the security of retreat in case of failure, to what degree would not the difficulties be increased by the actual state of Spain at the present moment!

His lordship said, he stated this in order to justify an opinion he had long entertained, that if the resources of Portugal had been wisely applied, the spirit of the people encouraged, a government established that was calculated to inspire their confidence, and an army, such as Sir John Moore had commanded, sent for their protection, not only would that country have been rendered impregnable against any efforts the French could have made under the present circumstances, but the foundation laid of affording the most effectual support to the Spaniards which could be derived from external co-operation.

If, in the month of August, a blow could have been struck at the French army upon the Ebro, much might have been done to have prevented the disasters of the last campaign; but as his majesty's ministers had not judged it advisable to adopt that measure, Portugal was the point to which every national hope was directed, and where, indeed, advantages did actually present themselves of a nature so important and so evident, that it is utterly inconceivable how they should have escaped the notice of his majesty's ministers.

His lordship said, he should then proceed to that part of his subject which embraced the conduct which had been pursued in Portugal, founded upon the events that had taken place in that country.

It had appeared in papers before the House, that previous to the arrival of Sir Arthur Wellesley with the force under his command, the disposition of the people of Portugal to resist the French, had been manifested in the most unquestionable manner.

Sir Arthur Wellesley, speaking of the situation in which he found that country, says, "In respect to Portugal, the whole kingdom, with the exception of the neighbourhood of Lisbon, is in a state of insurrection against the French. The means of resistance are, how-

ever, less powerful than those of the Spaniards. Their troops had been completely dispersed, the officers had gone off to the Brazils, and their arsenals pillaged, or in the power of the enemy; and their revolt under the circumstances in which it has taken place more extraordinary than that of the Spanish nation." To these exertions they had been urged not only by their own feelings, but by the proclamation of Sir Charles Cotton, dated the 4th of July, 1808, who thus addressed them:—"Some months experience must convince you of the effect of French friendship. It is now to British faith and assistance, aided by your own energy and efforts, that you will, I trust, be indebted for the restoration of your prince, and independence of your country." Thus called upon, such was the attachment of the Portuguese people to their prince, such was their sense of the oppression they were suffering from the French, and such was their reliance "on British faith and assistance," that in the month of July the provinces of Entre-Minho-y-Douro, Beira, and Traslos-Montes, as well as Algarva, comprehending more than half the population of Portugal, were in a state of insurrection against the existing government. This was the situation of things when Sir Arthur Wellesley landed, and which enabled him, with a force not otherwise equal to the attempt, to move forward for the purpose of meeting the enemy in the vicinity of Lisbon. The insurrection in Algarva had obliged Junot to detach six thousand men under Loison, in order to collect provisions and disperse the Portuguese force; but Sir Arthur Wellesley, with that promptitude and vigour for which his military life has been distinguished, attacked and defeated that officer at Roleia, before he could form his junction with Laborde, who was employed for similar purposes in the province of Beira. His lordship said it would be difficult to estimate the advantages the British army derived from the actual state of the country. Its effect, in the instance already given, has been shown; the organization in the neighbourhood of Oporto had amounted, by official report, to above 25,000 men, a part of whom were armed and acting with Sir Arthur Wellesley; but his lordship observed, it was not his intention to go into the history of the campaign. He should however have no difficulty in explicitly declaring that he wholly approved of every thing Sir Arthur Wellesley had

done, whilst he had the command, but that he could neither concur in the expediency of the convention or convention. These measures were adopted under the contemplation of a campaign in the north of Spain, and taking Burgos as the point to which the march of the British army was to be directed, it would appear singular that an agreement should have been made with the French general, by which it had been so contrived, that the forces he then commanded, and which had been defeated by the British, should have been embarked for France, and actually have reached Burgos many days before the conquering army could have arrived there, even if it had met with no interruption on its march. . . . . .

It was proved, his lordship said, by the papers on the table, that General Junot was at Vittoria with the division which had served under him in Portugal on the 12th of December, the earliest day on which Sir John Moore could assemble his army at Salamanca; volumes could not more fully illustrate the impolicy of the convention. Were it necessary to go further into that subject, Lord Buckinghamshire said it would be sufficient to refer their lordships to the unanswerable reasoning of the Earl of Moira in his protest against the opinions of the majority of the court of inquiry.

It would be recollected, his lordship proceeded to observe, that in the month of July official representations had been made to his majesty's government, that the people of the north and south of Portugal, having followed the example of the Spanish nation, had established juntas. That of the north having been designated the Junta of Oporto, acknowledging the Bishop of Oporto as the head of the government; and that of the south the Junta of Algarva, with the Count Monteiro Mor as their president. With the knowledge of the existence of these juntas, when the expulsion of the French army from Portugal might confidently be expected, it became the duty of his majesty's ministers to consider in what manner it would be most advisable to form a provisional government in that country, until the subject could be submitted for the decision of the prince regent; and with a view to such an arrangement as would appear most likely to be satisfactory both to the prince and the people. The knowledge of the opinions of the representative of the prince regent, who was in correspondence with him and

the juntas, did seem to present the most easy and natural course for arriving at a right determination. Unfortunately however a measure had been resolved upon, to which it was known that the representative of the prince regent could not give his sanction. It was matter of notoriety that the whole of the regency left by the prince for the purpose of preserving his interests, and those of his faithful and loyal subjects who had accompanied him to the Brazils, had betrayed their trust in a variety of instances; amongst others, in giving effect to a decree for confiscating the property of absentees from Portugal, and issuing a circular letter to the ministers of the prince regent at the several courts of Europe, directing them to discontinue their diplomatic functions. With such information respecting the conduct of the regency, it was not possible the Portuguese minister in London could sanction the appointment of any of the persons composing it, as a part of a provisional government; and as the circumstances alluded to were known to every merchant connected with Portugal, his majesty's ministers cannot be supposed to have been ignorant upon the subject.

It has, indeed, been admitted by his majesty's ministers that instructions were issued to Sir Hew Dalrymple to reinstate the regency; and although he excluded three out of the five obnoxious persons, yet as the remaining two were actually included, it was not surprizing that when the people saw the whole power of the government vested in those persons, that they should be alarmed and disgusted (as neither the Bishop of Oporto, nor the Count Monteiro Mor would act with them). Indeed, his lordship said, the conduct of this regency immediately upon their appointment was such as could not fail to excite suspicion and distrust.

It was perfectly well known that one of the chief defects in the Portuguese army was the inadequacy of its establishment in point of pay. In order to remedy that defect, the junta of Oporto by an ordinance promulgated for that purpose, had raised the pay of the infantry soldiers to five pence per day.

The effect of this judicious measure was, that in less than one month after its adoption, upwards of twenty thousand men were enrolled under the orders of that junta, and were fast approaching to a state of discipline that

would soon have rendered them fit for the discharge of any duties they might be called upon to perform. The first act of the newly appointed regency was to rescind this ordinance, and the consequences of it were desertion to a very great extent, and a degree of insubordination amongst the troops and the people, that nothing but the personal influence, which the bishop still retained, could have prevented from producing the most fatal effects; and although by his exertions tranquillity was restored, the zeal of the people was damped, the seeds of distrust and suspicion were disseminated, all hope of confidence in the government was destroyed, and whilst the means by which they had expected to have been able to defend themselves against the French were thus interrupted, they saw that "*British aid and assistance*," upon which they had been called upon by Sir Charles Cotton to rely withdrawn from them, and their country left exposed to the return of the French, if it should suit the purposes of Buonaparte to repossess it. In such a state of things Lord Buckinghamshire said it could not be a matter of surprise to any man, that when on the 11th of December the country was by proclamation called upon to arm, the Portuguese levies should have been found in a less forward state than at the end of July, and that all hope of effectual resistance to the French should appear to have been abandoned.

Were it necessary to adduce proof of the unfortunate state of insubordination and distrust at which the Portuguese people and army had arrived, it would be found in the murder of their General Bernardin Freise, and several other officers upon the approach of the enemy, and the loss of Oporto, the city and seaport next in consideration and importance to that of Lisbon. Speaking of that event General Beresford in his order of the 4th of April, says, "On the 26th the enemy arrived in the vicinity of Oporto. On the 27th they made some warm attacks, which were repulsed by the intrepidity of our troops. They continued their attacks on the following day with the same success, but on the 29th, the distrust which had arisen between the people and the army causing and increasing that anarchy and confusion which it ever produces, rendered ineffectual all the endeavours of the officers, as well Portuguese as English, to direct the operations of the great force which was in the city,

The enemy entered with little loss. Much as the marshall regrets the loss of this important city, he feels with more acuteness the alarming cause to which it is to be attributed. Let it be a warning to the rest of the kingdom to avoid the fatal consequences of anarchy and insubordination.

"The marshal hopes that the army will perceive that we ought always to distrust those who have been with the French, or their partisans, and what reports they may propagate, as they are undoubtedly paid by the enemy to promote confusion, and distress, the arms of which they make the most dangerous use."

His lordship said he had drawn the attention of their lordships to these orders, for the purpose of bringing the actual situation of Portugal more immediately under their observation: a situation the more alarming, because whilst so important a conquest had been made by Marshal Soult in the north, a great army under Marshal Victor was threatening that country from the east. At such a crisis every thing might depend upon the promptitude, the judgment, and the energy of the Commander-in-chief.

Lord Buckinghamshire said he knew Sir John Cradock well enough to be quite confident that nothing could abate his zeal, or check his exertions in the advancement of the public service; but at such a conjuncture, when all the faculties of the human mind were called into action, when the most splendid military talents might be unequal to the task of extricating his majesty's troops from the difficulties with which they were surrounded, it was seriously to be lamented, that the general upon whom so much depended, should act under the knowledge that he had been superseded by an officer many years his junior in the army.

That the approbation of all the measures he had pursued in Portugal, under circumstances of extreme difficulty, and his acknowledged gallantry and approved exertions in Martinique, in Ireland, and in Egypt, had not been sufficient to protect him from so severe a mortification.

His lordship said he could not avoid remarking, in this place, upon the peculiar talent the present administration possessed, by the most ingenious contrivances, so to form their military arrangements that at the most critical periods they should never have the full benefit of the abilities of the officers employed by them; for under the

hourly expectation of supercession, or under the control of a presumptuous and inconsiderate interference, the human mind was incapable of those efforts by which alone great military achievements could be accomplished. The instances of Sir Arthur Wellesley, when engaged in the operations against Junot, Sir John Moore in Spain, and Sir John Cradock at present, his lordship said, would fully illustrate the force of his observation.

Lord Buckinghamshire then proceeded to express (as not totally unconnected with the subject under discussion,) the satisfaction he had derived from the appointment of the Marquis Wellesley to the Spanish embassy.

He dwelt upon the services he had rendered the British empire in India; the manner in which he had conducted the operations of the wars that had broken out during his administration in that country; the foresight, energy, and judgment he had displayed, and whatever differences might have arisen upon other points, the universal applause and admiration with which his military measures had been distinguished.

Was he to state in one sentence what he thought of Lord Wellesley, he should be inclined to say, that he eminently possessed those qualities, to the absence of which in the councils of his majesty might be ascribed the disasters of the last campaign, with the fruitless expenditure of eight millions of money and seven thousand men.

Under the contemplation of this appointment Lord Buckinghamshire would venture a suggestion, from which he thought considerable advantage might be drawn by his majesty's ministers.

He conceived an alteration in the provisional government of Portugal indispensably necessary; and he would earnestly recommend that powers should be vested in the Marquis Wellesley, for the purpose of making those changes which could not be delayed without the most material injury, not only to the interests of that kingdom, and the cause of Spain, but in its consequences to the welfare and security of Great Britain and Ireland.

His lordship in conclusion said, he had stated that the existing government was neither acceptable to the people nor to the prince regent—of the disapprobation of the people there could be no question. The documents for which it was his intention to move would shew the sentiments of the Prince. Upon those documents, if produced,

it might become his duty to institute a further proceeding; for the present he should confine himself to the following motions:

That an humble address be presented to his majesty, that he would be graciously pleased to give directions, that the proclamation issued by Sir Hew Dalrymple on the 18th of September, 1808, for the formation of a regency in Portugal be laid before this House.

That an humble address be presented to his majesty, that he would be graciously pleased to give directions that there be laid before this House, copies of any communications from Viscount Strangford, concerning the formation of the regency in Portugal, established by Sir Hew Dalrymple's proclamation of the 18th of September 1808, and of any communications relating thereto from the Portuguese minister resident in London, or of such representations respecting the formation of a provisional government in that country, as may have been made at any time by the same minister, in consequence of advices having been received by the prince regent, of the resistance of the people of Portugal against the usurpation of the French, and of the successful operations of his majesty's arms in that country.

The Earl of Liverpool restated the opinion he had declared on a former evening, as to the principle which was to guide the House in calling for papers. The granting of papers in one House, was not a conclusive argument in favour of their being produced in another. He agreed fully with the noble earl, as to the capacity of the Portuguese peasant to become an excellent soldier. He was convinced of his bravery, and of the bravery of the people of every country. They only required discipline, and to be well led on to make brave soldiers. With respect to the main question, that of the formation of the regency, there were two modes to be adopted after the French had been compelled to evacuate Portugal; either to retain a military occupancy of the country, or to reinstate the former provincial government as nearly as could be, under all the circumstances of the case. The first could not have been resorted to on account of the jealousies it was calculated to create. The latter was actually done, because it was that kind of arrangement which was presumed to be most agreeable to the government at Rio Janeiro; in the manner of forming the regency, every

attention was paid to the feelings, and even to the prejudices of the people. Of the original regency one was in France, where he remained to this day, and two more had accepted offices under the French government, after the dissolution of the regency. Of these three, not one was admitted into the new regency, but the three remaining, who were not liable to the same objections, chose their new colleagues. These colleagues were persons distinguished for their patriotism and talents; the Bishop of Oporto and Count Monteiro Mor. In Portugal, as in other countries, intrigues and jealousies, particularly among the higher and middle orders, were known to exist, and it was impossible that any arrangement would give universal satisfaction. The inhabitants of the northern provinces, the most industrious and populous part of the country, were naturally anxious that it should become the seat of government, or that at least they should have a preponderance in the new government. The southern provinces, on the other hand, were adverse to relinquishing the superiority incidental to the capital being situated in that quarter of the kingdom. It would not have become the government of this country, considering the circumstances under which the British army entered the kingdom, to interfere or endeavour to decide between these jealousies and claims. They adopted that course which prudence, as well as delicacy and a due regard to the feelings of an ally, dictated; and they reinstated the former government as nearly as could be. He had no objection to the first of the noble earl's motions; but seeing by what it was to be followed, he must resist both. He could not consent to the production of the correspondence which had passed between his majesty's government and the prince regent, or his representative in this country.

Lord Sidmouth supported the motion, and contended, that we had a right to establish a provisional government different from that that had been formed. The former regency did not possess the confidence of the people, of which there could be no better proof than that, from the moment they were restored to power, the public spirit began to decline, and there were fewer men in arms at the end of December than the beginning of September. The noble viscount joined in the praises bestowed on the Marquis Wellesley, and in his eminent qualifications for the

situation to which he was appointed. He looked forward with confidence to a more fortunate state of affairs in Spain, in consequence of the large powers with which that noble lord was vested, and of the nomination of his brother to the command of the army, if it were not too late; for, unfortunately, we were dilatory in all our expeditions.

Lord Harrowby dissented from the principle laid down by the noble mover of the question, respecting the appointment of the new government, and approved the conduct of ministers in not having sanctioned any revolutionary proceedings.

Lords Buckinghamshire and Sidmouth severally explained.

Lord Grenville said, as there seemed to be an indisposition to lay the papers moved for before the House, he should not trouble their lordships long on a subject, respecting which he had not the necessary information. He supported the objections of the two noble lords on the cross bench, (Buckinghamshire and Sidmouth,) and maintained that it was the duty of his majesty's ministers to establish a form of government more agreeable to the wishes of the people, than a regency in which they had no confidence, but which, on the contrary, was universally suspected and distrusted.

The Earl of Buckinghamshire replied, and after some observations from Lords Harrowby, Sidmouth, and Liverpool, the question was put, and the motion was negatived without a division.

The local militia completion bill was read a third time, and passed.

The other bills were forwarded in their respective stages.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 1.

Mr. Tierney said, as the motion of his noble friend (Lord Temple was fixed for to-morrow, it was desirable that every document that could be produced should be laid before the House, in order to enable it to form a judgment upon the subject. He wished to move for the production of certain documents, which he understood to be in existence, and to contain matter essential to that object.

The first was a letter from Sir J. Moore to Mr. Frere, dated Salamanca, November 16. If that motion should be agreed to, he proposed to move also for a copy of any note or remonstrance which might have been addressed to the Supreme Junta by Mr. Frere previous to the receipt of that letter. His object in moving for these papers was, that as allusion had been made to such remonstrance in the letter of Sir J. Moore, it would be necessary for the House to be in possession of the substance of it previous to the discussion, which was to take place to-morrow. If any objections were made to these motions, without notice, he would now give notice of such motions for to-morrow.

Mr. Secretary Canning did not mean to object to the motion from want of previous notice; but, upon his recollection, he could assure the right honourable gentleman that no such document as the first mentioned was in his office. He put it to the right honourable member, therefore, whether it would not be better to defer his motion; and, at the same time, would take upon him to say, that no time should be lost in ascertaining whether such a document existed, and, if it did, in presenting it to the House.

M. CHARMILLY.

Mr. Whitbread put a question respecting M. Charmilly, whose name had been frequently mentioned in a late debate in that House; and, as the subject had reference to the Spanish question, he thought it necessary to receive an answer, before the discussion of that question should take place. M. Charmilly, he understood, was in the half-pay of the British establishment as a lieutenant-colonel; and rumours were afloat, that he had also, in addition to his half-pay, received a pension. The object of his question, therefore, was to ascertain the fact, whether or not that gentleman had such a provision.

Mr. Huskisson replied, that M. Charmilly was allowed to receive his full pay, and that he was not aware of any other provision having been made for that gentleman.

Mr. Whitbread then gave notice of a motion for to-morrow relative to this subject.

DUTCH COMMISSIONERS.

On the motion of Mr. Ord, the fourth report of the finance committee was entered as read.

Mr. Ord then rose, in pursuance of his notice, to call the House to the report which had just been read. It must have struck every one, that the circumstances of the case stated in that report were such as to call for the most serious attention of the members of that House. Nothing could be more injurious to the public interest than the practice of leaving reports of that description a dead letter on their table. Parliament had for many years past, and was likely to have for many years to come, the task of imposing heavy burthens upon the people of this country; and surely it was the duty of that House to watch over the public expenditure, and correct any abuses that might exist therein. There could certainly be no objection to correct malversations, which had been clearly proved to exist. Not anticipating, therefore, any opposition to his motion, he should not detain the House by farther remarks, but detail the circumstances of the transaction, and add the comments which he thought it necessary to submit upon the various parts of the report. The honourable member here gave a brief abstract of the misconduct of the commissioners, and stated their names, viz. James Craufurd, John Brickwood, Allen Chatfield, and Alexander Baxter. These gentlemen were associated in this commission as fellow-labourers of John Bowles, a member of the society for the suppression of vice, or for pilfering the public. They had been directed by the act to take their instructions from the privy council, and to refer to the Committee of that council for their direction on every question of difficulty. Under these circumstances, and without any understanding respecting the remuneration they were to receive, they in the year 1795 proceeded with their sales, and undertook to reward themselves with a commission to which by law they were not entitled. Having given this short account of the transactions, he should next proceed to comment upon those parts of the report of the Committee to which he felt it necessary to call the attention of the House. It appeared by the report that no remuneration had been stipulated for the commissioners. This defect, however, they took upon themselves to correct, and charged a commission of 5 per cent. upon the gross proceeds of the property confided to them, amounting in four years to above 80,000*l.* The next point he had to notice was, that they kept no

regular account of the money that came into their possession, and this point proved the government to have been more criminal than the commissioners, in suffering this neglect, and not calling for an account. The commissioners had good reason for not rendering any account because by the first transaction they secured to themselves a commission of 25,00 *l.*; and this conduct they had adopted after the violent abuse which Mr. Bowles had launched against all those who neglected to give full returns under the property tax act. The act under which the commissioners were appointed, required that they should lodge their money in the bank of England; yet, by the report it appeared, that they had, on the contrary, kept large sums at their private bankers. It had been said, the commissioners were taken from various departments of life, in order to render the institution more perfect: yet it was remarkable, that having a lawyer amongst them, he should be the man to induce them to a breach of the law; and that having merchants, they should state a false amount of commission to be consonant to the general practice in mercantile transactions. In justification of their keeping money at their private bankers', the commissioners had stated the necessity of having large sums at their command; but the report of the Committee had put that matter in a clear light, and shewn that every purpose of their institution might be answered without violating the law in that manner. The next point which the Committee had animadverted upon was equally reprehensible; namely, the amount of balances which the commissioners kept in hand, and which amounted at one period to 200,000*l.* and during the whole of the latest period was never less than 50,000*l.* It appeared, that in 1796, a period of great public difficulty, the late Mr. Pitt applied to the commissioners for an advance of any money they might have on hand, in aid of the exigency of the moment; and though they had 190,000*l.* at the time in their possession, they told Mr. Pitt they could afford him no assistance. It was the opinion of the Committee, that these balances, and the interest arising from them, should be carried to the account of the public; if they had been vested in exchequer bills, there might have been a saving of from 40,000*l.* to 50,000*l.* By the act, the commissioners were directed to make minutes of their proceedings; no minute, however,

was made of these balances; and for the obvious reason, that it might lead to the detection of the improper use to which they were applied. The Committee had also adverted to the enormous commission charged by these parties, amounting in the whole to 132,198*l.* giving a proportion of 27,000*l.* to each commissioner for his services, in little better than four years. Much the largest proportion of this commission had been made upon sales effected by the East India company; so that, in fact, a commission of 10 per cent. was paid upon that proportion, as the East India company had an allowance of 5 per cent. upon their sales. In their defence, the commissioners stated that this was the usual commission among merchants; yet the respectable merchants who had been examined before the Committee declared that 2½ per cent. was the usual commission. The commissioners had also referred to the case of the commissioners of French property in the war of 1756, and to the case of prize agents, in their justification. But it appeared that the commissioners in the war of 1756 received upon the whole but 14,768*l.* which, amongst 14 commissioners, was but 1000*l.* each: and yet this was the case to which these gentlemen referred in order to establish their claim to above 26,000*l.* each. It had also been stated by them that they had been called prize agents by the Lord Chancellor in the House of Lords. The case might have been so; but the circumstance of their having been so denominated by the Lord Chancellor could not make them prize agents. The business of prize agents required capital, and exposed the party to loss; whereas no capital was required, nor could any risk of loss have been incurred by the Dutch commissioners. Prize agents, however, received but a commission of 5 per cent. on the net proceeds, whilst the Dutch commissioners charged 5 per cent. on the gross proceeds. What were their services that could entitle them to such enormous emoluments? (*Hear, hear, hear!*) The whole of their business was terminated in four years, and yet they continued in the commission till the present time. In the year 1804, it occurred to the treasury, that this commission was no longer necessary, and that Mr. John Bowles might be uselessly employed upon it: a case had therefore been submitted to the law officers of the crown; whether it might not then be put an end to; and it was thought expedient to keep the commission alive, in order that the

public might not sustain any injury in consequence of the law suit then pending. During the last ten years, ten members of this commission had found time to do much other business. Mr. Bowles had been very active in several elections, which had taken place within that period, and had besides written thirty pamphlets. Mr. Brickwood, too, appeared by the report to be at this moment a commissioner for Spanish property. But it had been said, that these gentlemen had some of them abandoned their professions, for the purpose of attending more particularly to the duties of the commission. They were not the first persons who had abandoned a profession for something better.—(*Hear, hear!*) An honourable member, whom he did not then see in his place, the Secretary to the Admiralty, had also abandoned his profession for a thousand a-year. This brought him to notice another case, that of the American commissioners, adverted to in the report, which appeared to him to be a palpable job. Mr. Thomas M'Donald, it appeared, got 5000*l.* for abandoning his profession to become an American commissioner, and that in addition to a salary of 1500*l.* per annum. He could see no reason why such a sum of the public money should be given to induce any person to abandon his profession, when several thousands of persons could be procured to do the duty as well for the bare salary. Mr. Bowles also must have a consideration for abandoning his profession; and the House had no difficulty to appreciate the means he had taken to secure that consideration. This gentleman afforded a good specimen of an anti-jacobin—the eulogist of existing powers—the defender of present establishments—the denouncer of all who may condemn abuses, or call for reform, as vile jacobins. These tricks would no longer impose upon the public—the mystery was discovered—Mr. John Bowles himself had let out the secret, and the reign of imposture and delusion was at an end. This transaction afforded a useful lesson to all governments how they should bestow important pecuniary trusts upon persons having no merit to recommend them but the circumstance of their being mercenary hireling authors. If government should employ such persons they must share the disgrace brought on by their conduct. For his own part, much as he condemned the conduct of the commissioners, he looked upon the neglect of government as still more criminal. It was this neglect

that produced all the infamous transactions which had lately been brought to light. It was a bounty upon roguery, and an encouragement to abuses. Negligence of this description, and a profligate profusion in the public expenditure, had been peculiar characteristics of the administration under which these commissioners had been appointed. Before he should conclude, he had a few words to add upon the mode in which these accounts were passed. A right honourable gentleman opposite (Mr. Rose) had stated in his evidence before the Committee, that they were to be referred to the auditors of public accounts from the treasury, and in this he appeared to have been incorrect. Another honourable gentleman admitted that the accounts were to be delivered in at the treasury to be passed. Now most unquestionably the treasury was the most place to which he could send the accounts of so loyal a man, as Mr. John Bowles to be audited and passed; because it was not improbable, that he might have friends there, who would not be very strict in the examination and sifting of his accounts. If he was rightly informed, the practice was, that accounts sent in on one day were often passed on the next day. In the resolutions which he meant to propose, he should introduce one, directing that the accounts should be sent to the auditors of public accounts to be passed. As to the proportion of remuneration which it might be desirable to give to the commissioners, he thought that that question could not well be brought before the House till the accounts of the commissioners should be passed. He was not aware of any other observation, which he should think it necessary to make upon this occasion, and should therefore proceed to read to the House the resolutions which he meant to propose for its adoption. He did not include in them any resolution for directing a criminal prosecution against the commissioners by the attorney-general, because he understood that a doubt was entertained whether they were liable to such a proceeding; and it would ill become him, whilst such a doubt existed, and in the presence of so many gentlemen who were so much more competent than himself to decide that point, to propose any resolution to the House upon the subject. The honourable gentleman concluded with moving his first resolution,

"That it appears to this House, that to commit pecuniary trusts to any persons whatever, without having esta-

blished sufficient checks—without calling for regular and periodical accounts—or without bringing those accounts to any settlement in a long series of years, is a neglect which must lead to the most prejudicial consequences, and a violation of the obvious duty of the government.

The other resolutions in substance stated, "That such neglect on the part of government had been proved by the matters contained in the fourth report of the Committee of finance; that the commissioners had taken to themselves large sums of the public money, which they ought to be compelled to refund; that all their accounts should be sent to the auditors of public accounts to be passed; and that no remuneration should be given to the commissioners till their accounts shall have been passed."

On the question being put on the first resolution, viz. to

Mr. H. Thornton felt it necessary as chairman of the Committee which had made the report, to state, that he most cordially concurred in every part of that report. He would have wished, however, to have assigned some annual rate of remuneration to the commissioners, rather than a per-centage, because he thought it desirable for parliament to shew that it would not countenance the practice of giving to such commissioners an allowance upon the proceeds of their sales. The remuneration, as recommended in the report by the Committee, was now 10,000*l.* no very inadequate compensation for the light business they had to perform. But this remuneration would be still farther reduced by the sums the commissioners would have to refund. By the act of parliament, their accounts must be sent to the auditors of public accounts, who have power to demand interest on the sums kept at private bankers, or otherwise withheld from the public, by which a considerable reduction would be made in the amount of their remuneration. The report recommended, that the auditors should be directed to use their usual discretion with regard to these accounts. It was not with a view of preventing the House from coming to any decision it might think proper, that he mentioned this circumstance, but in justice to the Committee, which did not consider itself at liberty to abstain from making a report upon the subject of the remuneration, and had therefore introduced the round sum, liable, however, to the reductions he had alluded to. The Committee too had stated its opinion with respect to the duty of govern-

ment, as appeared by the honourable gentleman having adopted in his first resolution the very words of the report, with the trifling alteration of a word, in substituting obvious for acknowledged. But here he felt that a distinction should be taken between commissioners, such as these, and a government. If the commissioners neglected the business to which they were appointed, their neglect must be wilful, and consequently highly criminal; but the members of a government have various other important functions to attend to: besides, successive governments may not always be aware of the views of their predecessors; and even the secretary to the treasury has so much other business to attend to, that he may inadvertently omit some part of his duty. Upon these grounds, therefore, he considered the neglect of the government, and the neglect of the commissioners, as meriting different proportions of blame. It was not his wish to take any portion of blame from any person to whom it could be applied. He certainly entertained sincere and warm feelings of friendship for some of the persons to whose conduct the report referred; but he should not suffer himself to be influenced by those feelings in screening them from any censure which they might have incurred. It was due to the Prussian commissioners to state, that an inaccuracy existed in the statement in the report, that they had had 18,000*l.* at a private banker's; the fact having been that the sum actually placed in the private banker's did not exceed 3000*l.*, the remainder of the sum being vested in exchequer bills. He had thought, that the practice was, when a report of this description was laid before the House, to wait a short time before any proceeding should be instituted upon it in the House, in order to ascertain whether any steps were taken by government pursuant to the recommendations of the report; and upon this point he trusted his majesty's ministers would state what steps they had taken.

The Chancellor of the Exchequer was prepared, without any call, such as that made by the honourable gentleman who had just sat down, to communicate to the House the measures that had been taken by the treasury with respect to this report. When gentlemen considered that it was only on the 25th of March that the report had been presented to the House; that some delay had taken place in the printing of it; and that it was not in the hands of

gentlemen until within a fortnight of the time when notice of this motion was given, they would not think it surprizing that no measures had been taken by the treasury before the notice of this motion was given. He could, however, state, that the treasury had applied to the Committee of the privy council, to call upon these commissioners to give in their accounts to the treasury, to be then transferred to the auditors of public accounts to be passed The treasury had also, adopting the suggestion of the Committee, purposed that the rate of remuneration, should be 5 per cent. on the net proceeds, the commissioners being to defray the charges of their establishment, and to pay interest for any sums which they may have kept at their private bankers. It appeared that in some of the sales there had been no net proceeds, but an actual loss, and it was thought right that the amount of those losses should be deducted from the net proceeds. From this statement the House would be able to judge whether the conduct of government merited that general censure which the resolution of the honourable gentleman went to pass upon all the governments that had successively existed since the appointment of these commissioners; a censure, too, which undoubtedly, would least of all apply to the present government. But was the case such as to call for their censure? This commission was an anomalous case. Parliament took the business out of the regular course in which it would have been administered under the authority of the court of admiralty. No remuneration was assigned for the commissioners, because that was never done in the case of parliamentary commissioners. Besides, it was not for the government, in the first instance, to fix upon any particular amount of remuneration. To shew what had been the conduct of the present government, he should refer to the commissioners for Portuguese property, who were directed to restore the whole of the property without any deduction of per-centage to the Portuguese claimants who should prove themselves the owners, as a course most consistent with justice, and most worthy of the crown, and the character of the nation. Upon the whole, he did not think that any practical convenience could result from the adoption of the resolutions of the honourable gentleman, and certainly he was not more liable to blame than the noble lord (Henry Petty), who preceded him in office. But neither, he contended

was justly liable to blame. The effect of a general vote of censure upon all the successive governments since the institution of these commissioners, would fall entirely upon the present government. Seeing, therefore, that the act, which had been in operation for the last four years, provided for the effectual check of these accounts, and that the business was now in train to be finally settled, the House, he was confident, would not feel it necessary to entertain the resolutions. The honourable gentleman himself, would, he hoped, now that he was in possession of the uniform practice of the House in such cases, withdraw his motion; but if he should not, it was his intention to move the previous question upon his resolutions.

The previous question being put,

Sir John Newport would not consent that this motion should be withdrawn, or disposed of by the previous question. If ever there had been an instance of malversation of trusts, it was this one now under discussion. The honourable baronet then proceeded to comment upon the manner in which the commissioners had given their evidence before the committee, and came forward with apparent corrections, but actual falsifications of their former evidence. After commenting for some time with much severity of animadversion upon the conduct of the commissioners, the honourable baronet concluded by stating his intention, when these resolutions should be disposed of, to move an address to his majesty to order the attorney-general to prosecute these commissioners for malversation in the execution of their trust.

Mr. Rose stated that previous to the passing the act of the 25th of the king, there had existed no effectual mode of passing and auditing accounts. Under that act these commissioners, as public accountants, would be compelled to go with their accounts to the public auditors. If any blame was imputable to any government, it undoubtedly must be to that government which existed when these commissioners had been appointed. But the act by which they had been appointed required them to furnish their accounts when called for, and to take their instructions from the privy council. As to the proportion of their remuneration, his idea was, that when their business should be completed, that point would be settled; but he never could have had an idea that they would take to themselves a poundage upon their sales. To him pecu-

nally, if any blame was imputable to any one, it might be said to attach. But as to what had been stated by the honourable gentleman who opened this business, relative to any leaning he might be supposed to have towards one of these commissioners, he could assure that honourable gentleman, that he knew as much of that person, and was as well acquainted with him as he was himself. And what was more, he could assure him, that he had never read any of his pamphlets, though he would allow that they were regularly laid upon his table. He had only to add, that a neglect such as had taken place on this subject might happen in the hurry of business to any government: He had ever been a friend to inquiries such as this which had detected this transaction, because it was impossible for any man to say, that he never omitted any part of his duty; and the benefit of such inquiries was, that they brought to light any omissions which might take place. He trusted, however, that the neglect was not of such a character in this instance as to induce the House to adopt the resolution of censure upon the government proposed by the honourable gentleman.

Mr. Whitbread admitted, that the right honourable gentleman, who had just sat down, following the example of a noble colleague on a recent occasion, had made a decent defence. Whatever might be the feelings of either when committing the acts for which they were brought to trial, they certainly must be allowed to have behaved with great decency when brought to the place of execution. As to the transaction developed in the report of the Committee, he thought the House was bound to mark with the finger of reprobation the nefarious practices thus brought to light: to mark particularly with reprobation that man, who, if not the favourite of the treasury, had been the uniform libeller of all those who opposed the treasury. A great smoke had for a long time been issuing from this Dutch commission; reports had frequently been in circulation respecting the abuses of these commissioners, and the corrupt job of their commission; but yet no one would have supposed, that when the whole should be discovered, such a blaze would have burst out. These commissioners had been guilty of gross prevarication in their evidence before the Committee, and had endeavoured to withhold from the Committee and the public, by such means, the real state of their criminal conduct. He was anxious to

call the attention of the House, but more particularly of one honourable gentleman (Mr. Wilberforce), to this conduct on the part of a man who set himself up as the Cato of his day, as the censor of public morals. The man he alluded to was Mr. John Bowles. If that man had any feeling, he must be sensible that no greater censure could be passed upon him than the declaration of the right honourable gentleman opposite, that, though his pamphlets were regularly sent to him, he had never read a line of them. This Dutch commission he should premise had been instituted under very peculiar circumstances. An order in council had been issued on the irruption of the French army into Holland in the year 1795, inviting Dutch ships into British ports, and offering security and protection to such as should enter English ports in consequence. This parliamentary commission was then appointed to take care of that property for the owners. In a few short weeks, however, another order in council, authorising reprisals, was issued, according to that infamous practice which has hitherto prevailed; and that at the end of a few weeks this parliamentary commission was at an end. On the principle of parliamentary commissions, no remuneration was allotted to the commissioners until their business should be done; but they were directed to refer on that, and every other question of difficulty that might occur, to the committee of the privy council. Yet, notwithstanding this instruction, when they took upon themselves to adjust the terms of their own remuneration, they did not refer to the privy council, nor apply to the treasury, but passed by both in order to go to Chelsea to consult a Mr. Anfrere, who had been a commissioner for French property in the war of 1756. This gentleman is said to have informed them that he had 5 per cent. on the proceeds, but whether on the gross or the net proceeds they could not learn; and Mr. Anfrere is dead, so that no information can be obtained from him on the subject. A doubt then existed, and how had they resolved? Why, by resorting to the construction most advantageous to themselves, and taking their commission of 5 per cent. upon the gross proceeds. (*Hear, hear!*) Then they came before the Committee, and declared that they executed their commission without any fee or emolument, but according to the usual practice of merchants; and here he could not but remark upon the tenderness with

which they had been treated by the Committee, when allowed to give explanations of their former evidence, and to come back again to answer their explanations. Not content with this indulgence, they had ventured to send for the posthumous papers, arraigning the decision of the Committee, and then they dared to send letters to the members of that House canvassing them for their votes. But what was the first paper they had submitted to the Committee? It was a statement that they received no fee, nor profit, nor emolument, but the usual commission on such transactions. Should that House, then, when the falsehood of that statement was detected, and the gross corruption of the commissioners fully established, neglect to visit their conduct with the just reprehension which it merited? It appeared, that in 1790, a period of great public exigency, Mr. Pitt applied to these commissioners for assistance, by which he might be enabled to defer or to diminish the supplies necessary for the service of the year. Yet, though they had at the time 190,000*l.* in their possession, they declined affording the assistance so solicited on behalf of the public. It should not be forgotten, that one of these commissioners was a *life-and-fortune* man—a man that would spend his last shilling, and shed the last drop of his blood in support of the state. This man, who talked so much of the sacrifices that should be made in support of the government, was the person, who, having a large sum of public money in his hands, refused to advance it for the accommodation of the service of that public whose property it was. (*Hear, hear, hear!*) What course then was to be adopted? They should have a bill of discovery against these commissioners; they should untruss these Dutchmen, and take to the very last farthing of the public money which they may have in their possession. He could never consent to the proposition of the right honourable gentleman opposite, to give them more public money, by allowing the losses upon some of the sales to be deducted out of the net proceeds. They had already got more than they deserved, and should be made to refund the sums they had pilfered from the public. This was the conduct of him who was represented as the *Christianus Laicus*, who would travel into the regions of the dead in search of victims to be lacerated. It was not his intention to follow the example of that person, who had penetrated to the sheus

sanctuary of the tomb, and followed an illustrious victim to the grave; where, had he been a Christian, he would not have intruded, to calumniate, upon unfounded and often disproved rumours, the unsullied character of the late Duke of Bedford.

As to the statement, that because successive governments had been negligent, or implicated in the charge of negligence, no inquiry ought to take place, nor any censure to be passed upon abuses, that if admitted to be good for any thing, would amount to an incitement to abuse. It was the duty of the treasury to have inquired into the business, and called for the accounts. He was ready to allow the right honourable gentleman every credit for his industry, and the talents with which that industry was directed; but he must be allowed to add, that he had not always approved of the manner in which he had employed his industry and talents. The right honourable gentleman had himself admitted that neglect had taken place. But he should beg to ask the honourable gentleman near him (Mr. Huskisson), whether in the year 1804 his attention had not been drawn to this transaction, when the case had been submitted to the law officers of the crown, whether an end might not then be put to the commission. The government, therefore, was guilty of gross neglect, inasmuch as they had one amongst them who was aware of the transaction, and they had neglected to call the commissioners to account, till their iniquitous practices had been brought to light by the labours of the Committee. He hoped, therefore, that his honourable friend would not consent to withdraw his motion, and that the honourable baronet would persevere in his declared intention to move afterwards for an address to his majesty to order a prosecution against these parties by the attorney-general. One of these gentlemen was himself so forward in crimination that he could not expect his own guilt to pass off with impunity. That person could go back into ancient history in search of a name, and dare to designate a member of that House by that name—*Clodius*. He had been in the constant habit of applying to those he calumniated the term jacobin, and that at a time too when the idea conveyed by the term jacobin was that of a man who would overturn the government, and imbrue his hands in the blood of his sovereign—(*Hear, hear, hear!*)—Mr. Bowles must be

acquainted with the case of that Athenian, who was said to have declared—

"Populus me sibilat:"

But unlike that Athenian, this person cannot enjoy the applause of his own conscience when he returns home. It had been said, that this gentleman had abandoned his profession, that he might apply himself to the duties of the commission; but if he was rightly informed, that person had no professional revenue to abandon, because he had never had a brief. Here he must observe, that the allusion which had been made by his honourable friend to the case of the American commissioner who had got 5000l. for abandoning his profession, was perfectly correct and well-timed. He knew nothing of Mr. Thomas M'Donald, but that he had executed his commission well: yet he must say, that to give him a sum of 5000l. for abandoning his profession, when so many others, as had been well said by his honourable friend, could be found to perform the business as well for the salary, was a scandalous profusion of the public money. Mr. Bowles had written many excellent passages, in various of his publications, which would forcibly and justly apply to his own case. He never can read his own books again without learning his own shame; or, if he must read, he must write other books than those he has already published. It has been stated, that an East India captain had also abandoned his profession to take this commission. This Dutch commission was a very profitable trade. If John Bowles did not give up his profession for it, till he had a taste of its advantages, then, like the apothecary in the prize—a fig for the shop, adieu to wig and gown—this Dutch commission is beyond every comparison better. But though the East India captain might not be able to make many voyages to India or China, whilst he was attending the duties of a Dutch commissioner, Mr. Bowles might have continued to practise in his profession, if he had ever any employment in it. Why, he should ask had five commissioners been appointed, when the act contained but three? Was it that some provision should be made for Mr. Bowles for his services in the *Anti-Jacobin* newspaper, in which a person filling a high diplomatic situation abroad (Mr. Frere), and a secretary of state in that House, had been fellow labourers with him? Mr. Bowles was a member of the sect of the Antients.

observance—he was a Pharisee. He could preach well, and practise wickedness. He could rake the ashes of the dead, and intrude between the soul of the departed and his Maker, in order to make a shew of his religion, and to calumniate an illustrious person deceased. The calumny rested upon the assertion of a clergyman, who said he heard it from a sexton, who, when asked concerning it, declared, that whoever said he had stated any such calumny was a villain. Yet this had been the ground upon which Mr. Bowles had dared to traduce the character of the late Duke of Bedford in his grave, when there could be no appeal on his part upon earth, and when the religion of the dead could no longer be of any consequence to the living. But he would ask the right honourable gentleman why, when he had found, upon reference to the law officers, that it was necessary to keep the Committee alive, why he had not at least struck all but one out of it? It appeared that even towards the close of 1807, these commissioners, who are esquires, all merchants, or lawyers, or captains, had a desire to get more. Not content with what they had so scandalously pilfered from the public, they wished to add still more to their nefarious acquisition. But even the newspapers which had given insertion to his anti-jacobin paragraphs, had given up Mr. Bowles. "O, John Bowles! O, John Bowles!" they now exclaim, "little did we think when giving insertion," &c. If he should ever again venture upon the press, he must not appear as a reformer, but reformed. As to the rate of remuneration, the Committee, he contended, had allowed too much. The commissioners ought to be compelled to refund upon the table of the exchequer every shilling of what they had misapplied to their own use. The interest too, amounting to 40,000*l.* which the public lost by the transaction, should be wrung from them, so as to make them disgorge effectually what they had collected with such rapacity. The report contained an imputation of fraud against the commissioners, and if parliament was to be called on to vote more money to them, it would sanction the principle that a parliamentary commission may, though not to the extent these commissioners did, attach public money in passing through their hands. Such were the men, who at the very time they were raising the cry of jacobinism against some of the most honourable and illustrious cha-

racters in the country, were doing more to subvert the constitutional rights of the country than any other men who had existed since the period when jacobinism began; and now the nation would plainly see the true source of that outrageous loyalty and fanatical zeal which actuated such worthy characters as *No popery Bowles—no popery Beazley*, and their associates. Such were the men, notwithstanding all the discoveries of peculation which had of late been developed, whom the right honourable gentleman would, by his proposition this night, advise the House to pass over without the slightest censure. Were his majesty's ministers then utterly insensible to the feelings and sentiments of the country at this awful crisis? Surely, if they had but half an eye, they must see the dangerous precipice on which they stood. If they protected such little delinquents as these, what hopes could the country entertain of the detection and punishment of greater criminals? [Here Mr. Whitbread read several passages from one of Mr. Bowles's pamphlets, it was "on the state of public morals, at the close of the eighteenth century;" a work in strong condemnation of the shameless vices of the times, and which Mr. Whitbread adduced as forcibly descriptive of the conduct and character exhibited by the writer and his colleagues, as commissioners of Dutch property.]

Mr. Huskisson spoke at considerable length in vindication of the treasury. The Dutch commissioners, he said, were parliamentary commissioners; and it was considered that, as in all similar cases, their remuneration was to be considered at the termination of their labours; but he never did conceive them entitled to deduct any per centage for their own remuneration from the money passing through their hands, nor that they were entitled to poundage as navy agents. When the immense increase of business in the department of the treasury since 1793 was considered, and the inadequacy of the number of persons allotted to transact that business, it was morally impossible that some things should not escape attention. He could appeal to the noble lord opposite him (Lord H. Petty) for the truth of this observation; and the cause he could fairly assert existed in the backwardness of those at the head of affairs to increase the number of officers, and thereby add to the public expence, by which they would also expose themselves to the imputation of extending

patronage. Notwithstanding the addition of an assistant secretary, and the indefatigable labours of himself and his colleagues, it was impossible to prevent the business from going into arrears. Under such circumstances, then, it was not surprising if some omissions occasionally occurred.

Mr. Thornton explained, that although the commissioners were not absolutely required by the act under which they were appointed, to put the money in their hands out at interest for the public advantage, yet they had put it out for their own emolument, and had put thereby a sum of 44,000*l.* into their own pockets.

Mr. G. Ponsonby said, it was one of the chief objects of his honourable friend's resolution, that the accounts of the commissioners should be examined by the public auditor. But the object of censure, upon the gross negligence of suffering such a business to proceed for fourteen years without any examination, was not with a view to throw particular blame on one administration more than another, but in order to deter future governments from suffering similar occurrences to take place. It had been said that Mr. Bowles never appeared at the treasury. Very probably there was no place he would be less likely to visit, so long as he wished to evade inquiry.

Lord Henry Petty contended for the resolutions of Mr. Orde. He could not perceive any impropriety in what was called the general censure upon government, as the resolutions only stated facts. He commented in strong terms on the misconduct and prevarications of the commissioners. It was not enough to appoint Committees. Their opinions and decisions ought to be followed up by the House so as to give the public the advantages they ought to derive from their investigations and reports. If the House shrank from its duty, the public would entertain and express its opinion on their conduct.

Mr. Barham observed that the public mind had been disgusted with what had happened in that House in several recent cases. He alluded, as we understood, to the fate of the reversion bill, the cases of the Duke of York, Lord Castlereagh, &c. &c. and now he feared the minister wished to complete this terrible climax, by refusing his assent to a mark of reprobation on a transaction, respecting the nature of which no man could doubt. He beseeched ministers and the House not to degrade par-

tainment in the eyes of the country. It was impossible that the present system could go on much longer. If government set its face against public justice, the worst consequences might follow.

Mr. Secretary Canning reviewed the state of the question, and animadverted, with considerable wit and severity, on the observations which had fallen from an honourable member (Mr. Whitbread) respecting his connection, as a fellow-labourer, with Mr. Bowles in a publication some years back. He declared that he had never any acquaintance with Mr. Bowles. His literary taste, he believed, might be different from that of the honourable member. He had seen the honourable member's sixpenny pamphlet, and he must in truth say, that in that sort of department, Mr. B. beat the honourable member out and out. Perhaps, however, in point of honesty and sincerity, the honourable member might be superior. He (Mr. C.) thought himself no more amenable to the honourable member for his share in the work alluded to, in which Mr. B. co-operated, than Mr. W. for his oratorical exertions in Westminster-hall was amenable to him in that House, where he had the good fortune and honour to sit with him.

Mr. Tierney spoke with much force and animation on the duty the House owed to its own character and to the public, to come to a decision on the merits of these commissioners. He thought the object of ministers was to do any thing that might suit their purposes, not to prevent that House from doing any act that might gain them credit with the public. The attorney-general, or the privy council, might do something; but the House of Commons was to be deprived of the opportunity of acquiring or reviving the public estimation in which it ought to be held. He hoped and trusted that he should be, that night, in a majority.

Mr. H. Thornton, after a few prefatory remarks, observed, that he thought the resolutions a little too strong, though it was impossible to pass over the misconduct of the commissioners. He should therefore submit to the House an amendment, the substance of which was, that the commissioners had taken advantage of government's not interfering or investigating their proceedings; that they had not given explicit information upon their examination by the Committee appointed by that House;

and that they had been guilty of great violation of their public duty.

The cry of question being frequently and loudly repeated, the gallery was cleared and strangers excluded, during the whole of the farther proceedings, which continued an hour. Two divisions took place, the first of which was on the previous question, moved by the Chancellor of the Exchequer, on which the numbers were,

Ayes - - - -	102
Noes - - -	77
Majority - -	25 for the previous question.

There was a second division which we understood took place on an amendment proposed to Mr. Thornton's resolution, substituting the word "omission" for "neglect," as attributed to government, of which the numbers were,

Ayes - - - - - -	98
Noes - - - - - -	78
Majority - - -	20

Not being re-admitted, we could not learn the particulars of the final decision; but we understood that Mr. Thornton's resolution (amended) was carried.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 2.

STANDING ORDER RESPECTING BILLS OF DIVORCE.

Lord Auckland said, that the question which he rose to bring forward related entirely to the discouragement of seductive adultery; a vice, which carries a sense of disgrace and distress into the families both of the seducer and of the victim of seduction; depriving the innocent children of the affections and protection of their parents; and exhibiting in the higher classes a depravity which lowers them in the public estimation, and at the same time tends to corrupt the minds and morals of the inferior orders of society.

It had long been matter of regret to many, that a vice of such malignity and mischief is not yet considered by our laws as a crime. We provide rigorously and industriously for the punishment of a long list of trivial offences

against the persons and properties of individuals; but we totally overlook the assassins of domestic happiness. Adultery is subject only to the feeble coercion of the spiritual courts; in other words, it is left to its full range unrestrained and unheeded. The adulterer, indeed, may be compelled by a civil action to pay a pecuniary compensation, which in many cases the injured husband is ashamed to receive, and which in no case has the effect that a solitary imprisonment of two or three years would have for the purposes of reform and of example. Under these impressions, he (Lord Auckland) had inclined to propose once more to their lordships, the bill which they had passed nine years ago to make adultery punishable as a misdemeanor: but he had been discouraged by a recollection of the many long debates to which he had then subjected himself, and must be permitted to say:

"Non eadem est ætas, non mens."

He had also wished for a provision (which had been suggested to him by his noble and learned friend on the woolsack) against the practice, in prosecutions for adultery, of suffering judgment to go by default, in order to adjust privately at a tavern, such damages as may best suit the purposes of a profligate collusion.

Hitherto the interference of Parliament respecting seductive adultery has been confined to bills of divorce, given to the injured husband, "to annul his marriage and to enable him to marry again." That interference had been practised about 140 years, and in the latter part of the period had become scandalously frequent.

The practical construction of those bills of divorce has been, that the adulteress, though not specially enabled by any of the clauses, is at liberty to marry again, and even to marry the adulterer; and in many instances it is notorious, that the offending parties have intermarried accordingly. And thus it is that the faithless wife, by a special interference of Parliament, receives hire and salary instead punishment, and becomes an encouragement to others to pursue the same course, in order to arrive at a similar gratification.

Parliamentary bills of divorce are liable to another glaring objection. Every remedial act of legislature should be equally within the reach of every class of the community. But bills of divorce grounded as they are required

to be on various expensive processes (amounting in some instances to 3or 4000*l.*), in the courts of common law, in the ecclesiastical courts, and at the bar of the two Houses, are confined to the opulent. And thus the interference of their lordships was employed to bring under the public eye the vices and excesses of the higher classes exclusively.

With these views, he (Lord Auckland) would not be sorry if parliamentary divorces were altogether discontinued; but at all events it must be the duty, and therefore the wish, of their lordships, not to allow collusion and abuse, nor to be made the instruments of encouragement to conjugal infidelity.

As the law of England now stands, the divorced husband and wife are prohibited, by the ecclesiastical canons of 1603, from marrying again in the life-time of each other; and a bond to that effect is required accordingly.

By the law of Scotland the adulterer and adulteress can in no case intermarry after sentence of divorce. The evangelical law on these points had been variously interpreted; but it was not within his province and powers, nor indeed was it necessary to his purpose, to attempt to discuss it. His object was to adopt the principle of the Scotch law as being proper, just, and expedient.

It notoriously and frequently happens, that adulteries take place on the unprincipled calculation that a change of husbands is desirable and attainable. The new compact is understood between the parties, and becomes a sort of honourable partnership of eventual dishonour, in some degree sanctioned and guaranteed by the surrounding society. The human mind is such a mixture of weakness and reasoning, that a woman can sometimes frame to herself an apology for the breach of her marriage vow, in the hope and speculation that she may contract a new engagement at the altar with the partner of her crime. By the prevention of such marriages, the code of seduction will be deprived of one of its principal allurements.

But how will the prohibition operate on the seducer? It ought, if he possesses one latent spark of generosity, to deter him from an injury, for which all pretence to reparation is precluded; and undoubtedly, in many instances, it will have that effect.

We are told, however, by some, that it would be a mere effectual discouragement to adultery, if the offending parties were compelled to intermarry. This sugges-

tion, taken as an epigram, is not remarkable either for its novelty, its truth, or its wit: taken seriously, it would be a monstrous system of state policy to enable women to change their husbands as often as vice, caprice, or interest might dictate. The process would be short and simple; and would of course be consummated, by the special intervention of Parliament, on the very day of the royal assent to the bill of divorce.

But how will the prohibition operate on the unfortunate objects of seduction? There is a phrase of hackneyed levity, that "the woman who deliberates is lost;" but it had been well said by a noble earl (Buckinghamshire) when this subject was debated heretofore, that when the prohibition in question shall be established, every woman who deliberates will be saved. Irretrievable ruin will present itself to her view.

It is no objection to the measure that it will not extend to the case of a married seducer. If he can contrive to break the heart of his deserted wife, the prohibition will eventually apply.

Still less is it an objection, that a standing order is less extensively binding than an act of Parliament. It will be equally binding on ourselves as a rule for our proceeding, unless special cases can be imagined in which we should think it right to make an exception. And this mode is consonant to evident reason, and to the practice of both Houses of Parliament in respect to each other. A reference to the journals (from which Lord Auckland stated several precedents) would shew the undoubted truth of this assertion.

The proposition itself was not new. It had been brought forward first by the Duke of Athol, in the form of a bill, in 1770; and again by the present Bishop of Durham, in 1779; and for the third time in 1800. Their lordships' House had always passed the bill; but it had not received the concurrence of the House of Commons.

In conclusion, he trusted that he had shewn the measure in question to be right in its principle, expedient in its tendency, and correct in its mode. He did not seek to punish excesses, but to prevent them. It was not his wish to aggravate the sufferings of the unfortunate victim of adulterous seduction; but it was his earnest wish, in the words of the poet,

"To teach the noble mind to preserve with care
That purity, whose loss is loss of all."

He then made the following motion:

"Ordered, that no bill, grounded on a petition to this House to dissolve a marriage for the cause of adultery, and to enable the petitioner to marry again, shall be received by this House, unless a provision be inserted in such bill, that it shall not be lawful for the person, whose marriage with the petitioner shall be dissolved, to intermarry with any offending party, on account of whose adultery with such person it shall be therein enacted, that such marriage shall be so dissolved. Provided, that if at the time of exhibiting the said bill, such offending party or parties shall be dead, such provision as aforesaid shall not be inserted in the said bill."

The Earl of Radnor made some observations unfavourable to the proposition.

Lord Mulgrave entertained the same sentiments on this subject as he had before expressed. His lordship could not perceive how the great cause of morality could be effectually promoted by such a measure. The sum of 4000*l.* seemed enormous in such a case; but if it were necessary to incur such expences, he should rather say that something should be done to make the matter more equal to the lower clases. He wished as much as any noble lord to diminish offences of this description, which had such baneful consequences, and was willing to do any thing in his power to carry into effect any measure for that purpose, as far as the mild and benignant spirit of our laws could be kept in view. But would morals be promoted by taking away almost the only chance of reforming and amending the life of the female? If noble lords would look at the instances of such persons divorced, who did not marry, and compare them with those who subsequently married, they would find a very great difference. Some unfortunate ladies had displayed, after their faults, a character that might even be called exemplary. He thought such a measure rather encouraged seducers, by taking away all remedy for misconduct. It certainly tended to make the woman a mistress in future and not a wife, and to shut up the door to repentance and reformation. He had a sincere desire to repress the evil, but he had a firm conviction that the prohibition had a tendency rather to increase it. He hoped to see something better proposed than a

measure which, in its operation, might become so severe and cruel.

The Archbishop of Canterbury, after some prefatory observations, said, that though he was not so fortunate as to hope by this measure to extinguish this great crime, yet he was happy to adopt any practical mode of preventing the facilities to the commission of adultery. It was, he lamented to say, very seldom that he could see their lordships' table pure and clean from the pollution of divorce bills, now becoming daily more frequent. So common indeed were they, that, to use the words of an old author, they seemed to be considered as the proper fruits of marriage. There was, he feared, hardly a pedigree that was not stained and broken by this sad frequency of crime. It was impossible that such things could last long. Marriage was, in fact, the basis of all our relations and duties in social life. It began with the creation, and it remained in the rudest elements of society. Its importance and sanctity were recognized by the universal consent of mankind. In this country, indeed, we did not exalt it into a sacrament; but we regarded it justly as a sacred institution. It was both a civil contract and a religious rite. His Grace reviewed the state of matrimonial obligations among the Romans, and shewed, from a variety of illustrations and quotations, the immense importance of guarding them from the intrusions of licentiousness. The misery that the crime of adultery caused to families was of the most serious nature. There was one result of such criminality, which it was the highest duty and soundest policy of any state to prevent; he meant the neglect of children, which was its natural consequence. His Grace would not take upon himself to say how far, in ancient times, the barbarous practice of the exposure of children might have arisen from this offence; but he was sure that its frequency might be fairly considered as leading to the greatest indifference, and most shocking carelessness and neglect of our offspring. His Grace then proceeded to the religious view of the question, and entered into the history of the customs of the western world on the subject of marriage, which, until the Reformation, were considered here indissoluble. After that great event, persons were set at liberty in cases of adultery; and subsequently the mar-

riage of those divorced by act of parliament, took place. With respect to his opinion, and that of his learned and reverend brethren on the bench, his Grace observed, that by the divine law there was a liberty to marry again, or else unquestionably that reverend bench would, before now, have interposed. He quoted passages from Holy Writ, in the original Greek, and in the vernacular tongue, expressive of the Scripture doctrine on this subject, and made a variety of remarks, and used many arguments which we are sorry we are unable to detail. He concluded a very argumentative and eloquent speech by declaring that he thought the measure an act of mercy. It was to take out of the mouth of the seducer his specious, delusive, and fatal arguments and temptations, to prevent him from recommending himself to the weak by saying he meant nothing dishonourable, and pointing out a future marriage as a source of future and augmented felicity; the means by which female virtue was but too often and too successfully assailed. He felt it to be his duty, in the hope of attaining some good, to support the motion now before their lordships.

Lord Erskine made an animated speech in support of the motion. He highly complimented the right reverend prelate for the sentiments he had uttered, and dwelt with much eloquence on the institution of marriage, the vast influence it had on society, and the innumerable and inestimable duties and benefits that flowed from it in all our relations, hopes, and prospects. It was most extraordinary that the legislature could permit the foundation of such a connection to exist in the commission of a crime that struck at its very root, and should enable those to enter into all its advantages, who had treated it with contempt and scorn by the non-observance and violation of all the duties it imposed. The adoption of the proposed standing order did not prevent their lordships from acting in particular cases as might seem to them fitting: but the difference was abundant between the rule and the exceptions. What greater misdemeanour could there be than seductive adultery? A misdemeanour was a private wrong, but a wrong that injured the peace and happiness of society; and surely nuisances and assaults were inferior in the comparison. His lordship painted the picture of a family ruined by this afflicting offence;

by his speech this night he actually supported. Besides, could not that House pass the bill without the clause? He should not speak at length because there was so thin an attendance on so important a subject.

The Lord Chancellor with great good humour explained his former observations, and shewed the misconceptions into which the noble earl had fallen. He was very sorry that the noble earl had misunderstood him; but was much afraid they should not soon understand each other.

The Earl of Liverpool supported the bill, and Lord Darnley entertained a different opinion. His lordship disapproved of the practice of the courts, so much recommended by a late noble and learned judge, of giving heavy damages in cases, where, to any honourable mind, money could be no compensation.

The House divided,

For Lord Auckland's motion	28
Against it	18
Majority for the standing order	10

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 2.

Sir Thomas Turton, after an introductory speech of some length, in which he expatiated on the miseries now suffering in various gaols of England by insolvent debtors, who, with their starving families, amounted to 12,000 persons, pressed upon the consideration of the House the necessity of a bill for their relief. The present number of insolvent debtors, he said, exceeded by one-third the total of those in prison when the last bill of this nature had passed; and the clause in that bill for allowing persons confined for sums not exceeding 20*l.* to procure their liberation, upon certain conditions, was of no advantage; for scarce any debtor had availed himself of it, because, it relieved him from no other debt than the mensa sum for which he was actually confined; and after going to the expence of procuring his liberty, he was liable, the next moment, to be thrown into prison and again charged in execution by any other creditor: besides, the relief this clause would in any event afford was extremely limited, comparatively with the numbers confined, for out of 320 persons now in

the King's Bench prison, the number confined for debts under 20*l.* was but thirty-three. It would be necessary, therefore, to introduce into the bill he should have the honour to propose, some principle to remedy the defect. The other alterations, &c. proposed, would be to extend the relief beyond the sum of debt limited by the last bill at 1500*l.* to 2000*l.* and include persons who were fugitives to the Isles of Man, Guernsey, Jersey, and elsewhere. He concluded by moving for leave to bring in a bill for the relief of certain insolvent debtors in England.—Leave granted, and Sir Thomas Turton and Mr. Brand appointed to prepare the same.

SPANISH EXPEDITION.

Mr. Tierney rose to move for a copy of a letter from Sir John Moore to Mr. Frere, dated at Salamanca, November the 16th, or such extract from the same as the right honourable Secretary for Foreign Affairs should think there was no impropriety in disclosing; at the same time, however, not concealing any military transaction of which it was proper and necessary for the House to be informed of preparatory to the discussion upon the subject. The other paper of which he had given notice, and for which he also intended to move, was a copy of the remonstrance addressed by Mr. Frere to the Supreme Junta of Spain immediately previous to the receipt of the letter in question.

Mr. Canning repeated to the honourable gentleman the assurance he had given last night, that there really was no such document in his office, nor had ever been received there, as the letter in question; and although the modification suggested by the honourable gentleman might have removed all objections to comply with his motion, had such a letter been in the office, yet, as he possessed no such document, he must of course oppose that part of the motion. To the other part he had no objection.

After some conversation the first motion was negatived, and the latter agreed to.

MILITIA COMPLETION BILL.

On the question for the third reading of this bill,

Sir T. Turton could not suffer this bill finally to pass through the House without giving it his reprehension. He could not consent to keep up a much longer standing

army than the necessity of the times required, and he therefore saw no necessity for adding to it now, when there is no immediate danger of invasion. As for sending armies to the Continent to contend against the armies of France, he thought that this country was in no situation to cope by land with France, and therefore that we should not attempt it. The annual expence of our military force was now prodigious, amounting to near 25 millions, while we had in arms near 700,000 men. He saw no reason for such a vast expenditure of money, or for tearing so many men from their ordinary avocations.

Mr. Wilberforce thought that those general declamations against standing armies were very dangerous at the present times. Experience had abundantly proved that it was only by regular armies well supplied, that regular armies were to be effectually resisted. If we wished for security, we must not refuse to pay for it. He disapproved very much of the language which had been held out of doors, and which went to persuade people that this was an enslaved country. For his part, he conceived that it was the most free and happy country in the universe, and he was thankful to Providence for assigning it as his lot to be born in this country, and in the present times. As to the conduct of ministers with respect to Spain and Portugal, he thought they were rather too forward than too backward in the assistance they gave. This was an error, however, on the right side, and agreeable to the general feeling of the nation.

Mr. Hawkins Browne was of the same opinion, and could not agree with those who were against preparation, from the supposition that invasion was not to be dreaded, and that the deliverance of Europe, or any part of it, was absolutely hopeless.

Mr. Windham spoke, at considerable length, in support of those military opinions which he had so often expressed in the House. He could not allow that the local militia was worth the money it cost, or that it would be in any way better than the training bill. There were always men enough in the country, and it appeared to him that if, without going to the expence of clothing or training them, they were simply to be enrolled and incorporated with the army, they would be of more use than locked up in such corps as these under militia officers. He could not see why government now wanted so large an accession to the army as 21,000. Was it that

we had suffered losses in Spain to any thing near that amount?, or was it, that by their alterations in the system he had the honour of introducing, that the ordinary recruiting had now become defective? He hoped that ministers did not intend to send out expeditions to wage war against the yellow fever in the West Indies. Victories in that part of the world did not increase the confidence of our allies. He really did not wish to trust ministers with large armies, until he had some idea what they meant to do with them. He then recapitulated at considerable length the opinions he had formerly expressed on that subject.

Lord Castlereagh replied at considerable length, and nearly in the same words as he had used in former stages of the bill.

Mr. P. Moore said, he thought the present a very unnecessary measure, which would cost the country 1,200,000*l.* merely, as he believed, to create patronage and obtain support to administration, and therefore he must enter his protest against it. From the very thin state of the House, it would seem as if the members were dead to the interests of the public; but he was determined to let his constituents see he was ready to do his duty, and to oppose such unnecessary expenditure; and, feeling the measure to be such as he had described it, he was determined to take the sense of the House on it, though he should stand alone on the division.

The Chancellor of the Exchequer said, the bill had already been so fully and frequently discussed, that even the rich and fertile mind of Mr. Windham had not that night been able to advance any thing new on it. It was not, therefore, to be wondered at, that the members of that House who had listened to so many discussions, and made up their minds on the subject, should not think it necessary to attend this last stage of it. It was that, and not any inattention to the interests of the public, that caused so thin a House at that moment.

Mr. H. Martin said, he thought the great danger of the country at the present crisis would arise from the enormous increase of its expenditure. The House ought, therefore, carefully to guard against all unnecessary expences; and as he thought the present measure would, without any just cause, add 1,200,000*l.* to the burdens of the people, who were already extremely distressed, he

should vote against the third reading of the bill. A division accordingly took place.

For the third reading, 57. Against it, 8.

The bill was then read a third time and passed.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 3.

SPANISH AND PORTUGUESE EXPEDITIONS.

Lord Temple moved for a return of any communications made from the medical staff to the medical board of the sick and wounded men in the expedition to Portugal and Spain, and also for a list of the sick and wounded of those expeditions, who had died since their return to England. His motive for this motion was, that he understood there had been a great defect in the number of surgeons to attend those men, and also in the medical stores sent for the use of the army.

Lord Castlereagh said, he should feel it his duty to oppose the motion of the noble lord; first, because it was wholly unprecedented in that House, and secondly, because if the return really was made, it would answer no manner of purpose to the noble lord, or afford him the means of drawing any deduction, without an opportunity of comparing similar returns from an army of equal numbers under similar circumstances. The army in Spain had certainly undergone much greater fatigues almost than any other troops employed upon any expedition during the war, and consequently a much greater proportion of them must have been exposed to the casualties inseparable from numerous armies under all the vicissitudes of climate and service. Even of the great numbers of such an army who return in health, it was well known that many would afterwards fall sick in consequence of the fatigues and hardships they had previously undergone. This was the case with the troops who had returned from the late expedition; but he could not see how the returns moved for by the noble lord could throw any light upon the doubt he seemed to entertain, or to the defects he supposed to exist, either in the number of surgeons, or the quantity of medical stores sent out to the armies. He would assure the noble lord, that the troops were more perfectly restored to health; and

a return of deaths and casualties in his opinion would have no other effect than to wound the feelings of individuals, and damp the ardour of the army.

Mr. Whitbread said his noble friend could have no such purpose in view; but as the country was heavily charged for medical assistants and medical stores, and at the expence of maintaining an apothecary general, they had a right to know whether the aids they so highly paid for were fairly administered, as complaints had gone forth on this head. This was the object of his noble friend's motion, and not a painful inquiry about the misfortunes of brave men, which every one must lament, and are inseparable from a state of war. He submitted, therefore, whether it would not be more decorous on the part of the noble lord to yield to the motion.

Lord Castlereagh replied, that such complaint as that stated by the honourable gentleman never reached his ears until he heard it this night in that House. The House, therefore, ought to be cautious of such complaints coming from quarters where no knowledge of facts existed, and of which gentlemen in official departments had no knowledge whatever.

General Tarleton said, it was true that no such return was called for when the troops returned from Dunkirk or the Helder; but then they were by no means so numerous as those upon the expeditions to Portugal and Spain, who also had suffered much greater hardships. As a soldier, he rejected the assertion of the noble lord, that such an inquiry had a tendency to damp the ardour of the troops. On the contrary, nothing could more highly excite that ardour, or more firmly attach them to the service, than to find a strict attention paid by their leaders to provide for their accommodations, their comforts, and their wants. No evil could result from the inquiry in the present case. If the rumour was unfounded, the fallacy would be proved, and the country satisfied.

The Chancellor of the Exchequer could not see that the papers moved for would throw any material light on the subject for which they moved. The number of those killed and wounded in a campaign, or the number who died subsequently, either of their wounds, or the fatigue of a very rapid retreat in the midst of winter, would not, of itself, imply any charge against the medical board, or medical

assistants. The House should be satisfied, or at least have reason to believe, that there was some loss occasioned by this cause before they instituted inquiry. If, however, any regular complaint was made of actual loss from either of those causes, he would allow, that it would be proper that there should be an inquiry.

Mr. Freemantle thought the motion was proper upon other grounds. If any unusual number of men were lost upon any expedition, it was necessary to find out the cause, If, instead of the blame attaching to the medical board, it was found to have proceeded from bad arrangements in the transport service, and from the manner in which they were embarked; this also, though affecting ministers more than the medical board, was a proper subject of inquiry, and it was therefore necessary that the facts should be ascertained.

Mr. Wilberforce said, he would not feel comfortable in negativing a motion which proceeded from an anxiety to inquire into any thing which concerned the lives or health of those concerned in expeditions. He knew that in the administration of Lord Melville, great improvements were made, in the mode of embarking the troops, which improvements he supposed were still in force. He hoped, however, that if the motion were withdrawn, it would be perfectly understood that the subject would undergo a full inquiry out of doors.

Lord Castlereagh said, if there had been no particular inquiry hitherto upon that point, it was because he had never heard such a complaint made before; and there was nothing on the face of the papers to lead him to suspect any fault in this department. As the subject, however, had been mentioned in the House, he should make it his business to inquire particularly.

Earl Temple, in consequence of this promise of the noble lord, consented to withdraw his motion.

Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 4.

Lord Selkirk rose to make his promised motion relative to the affair of the Chesapeake. He had long wished to hear the question brought forward by some person of more weight in the House; that hope had been disap-

pointed, and circumstances did not allow the subject to be longer delayed. In a former negotiation to which this affair had led, ministers had shewn a disposition to make improper concessions. A renewal of the negotiation being probable, the interposition of the House became necessary, to prevent a sacrifice of our national honour, and with it our first national interest, the maintenance of our maritime preponderance. Nothing, he trusted, was yet irrevocably concluded, and an expression of the sense of the House might prevent the evil. Under these circumstances, it was the duty of the House to offer its advice, as the hereditary council of the crown; and the House would not abandon that privilege and that duty, notwithstanding the novel doctrine lately broached, that no subject of discussion was fit to be entertained by the House, unless ministers had given their consent to the inquiry.

It was the more necessary to bring forward this discussion, on account of the misapprehensions which prevailed as to the real state of the case. It was a matter of notoriety, that Admiral Berkeley having intelligence that certain British deserters were on board the American frigate, gave orders to demand their restoration, and in case of resistance to search for them by force. It was well known that our government had immediately disavowed this act, and offered to make reparation for it. Their conduct in this respect has met with little animadversion. The attack had been considered as an unwarrantable aggression: but it could only be considered in that light from a total inattention to the circumstances which led to it—circumstances of which the public do not seem to have been fully informed. The question has been stated as if it rested entirely upon the right of searching neutral ships, and it has been laid down as incontestible, that this right does not extend to national vessels commissioned by a neutral state. Admitting this, however, on what does the distinction rest between national and private ships? It cannot be contended that to seduce away deserters, though a violation of our national rights when done by a private individual, is no offence from persons in the immediate employment of a government. But in this case the government being answerable for the conduct of its servants, is presumed to be willing, on proper application, to redress the wrong and punish

the offender. It is because there is no such means of redress in the case of private offenders, that it must be taken by summary means. But if a government refuses to redress notorious wrongs committed by their servants against the rights of another country, they are guilty of an act of hostility; they have given justifiable cause of war; the grounds of the distinction in favour of the national commission are done away; and redress must be sought by the same summary means as in the case of individuals. The American government put itself decidedly into this predicament. The officers employed in fitting out the Chesapeake frigate received and protected men notoriously deserters from the British navy. Numerous applications from their officers were refused or evaded; and the American government, when applied to by our consul and envoy, would give no redress.

Lord Selkirk entered into a detail of facts in proof of these assertions. Ratford, one of the deserters seized on board the Chesapeake, was afterwards seized at Halifax, when it was clearly proved that he and several others had deserted, under circumstances aggravated by mutiny, and had been received the very next day at Norfolk in Virginia as recruits for the American service. At the suggestion of the American officer, they entered themselves by false names; and this officer, when applied to by the captain and the British consul, pretended to know of no such men, though they had been seen parading openly under the American flag, in sight of the British officers, who offered to point them out. Every application was evaded with shameful prevarications nor were these confined to officers of inferior rank. Two others of the deserters taken out of the Chesapeake, made voluntary confession at Halifax, in which they declared that Commodore Barron had promised to protect them, "*though they were deserters from an English man of war*," and yet the answer of Commodore Barron to Captain Humphries of the Leopard, when he demanded the deserters, was, that he knew of none such being on board. Ratford was proved and acknowledged himself to be born in London; yet the president of the United States, in the proclamation issued after the attack on the Chesapeake, asserts, that "it had been ascertained that the men demanded were native born Americans." It was repeatedly professed that orders had been given to enlist no

British deserters; and yet after the trial of Ratford had clearly proved that this order had not been obeyed, no inquiry was ever instituted into the conduct of their officers. This alone was sufficient to make the American government a party to the offence. But there was further ground to believe that they had all along connived at it. The British consul in Virginia had forwarded to Mr. Erskine a statement of the desertion of Ratford and his associates, with a description of their persons, by which Ratford in particular might have been identified with perfect ease and certainty. These documents must of course have been communicated to the American government by Mr. Erskine, which would appear if this correspondence were produced. Taking the whole circumstances together, nothing could be more absurd than to treat the attack on the Chesapeake as an unprovoked outrage. A palpable offence had been committed against our national rights, and all redress being refused, there was no alternative left, but to take it into our own hands. It is objected, indeed, that by the orders he gave, Admiral Berkeley went beyond his power and his just province, taking upon himself to decide questions of peace or war. This, however, cannot affect the question between the two nations. Admiral Berkeley did no more than his government had a just right to order him to do; whether he acted by previous orders or not, could only be a question between him and his own government. Nothing had been done by Britain against America, more than the conduct of America had fully justified. That was not a proper case for the offer of reparation; if any were due, it would be from that government which had encouraged its officers in a voluntary infringement of our national rights. To make an offer of reparation, in the unqualified manner in which it had been made, was equivalent to all admission, that the Americans had been guilty of no offence; in other words, that their government might seduce away our men without question; or that, if such acts were covered with a sufficient coat of prevarication and falsehood, no other satisfaction would be required. To acquiesce in such conduct could only lead to further provocations; and if this needed any proof, it would be found in the circumstance, that at the very time when the American officers in Virginia were enticing away British deserters, the civil power in Mary-

land was employed to aid the officers of a French ship to recover some of theirs. Much has been said of the provocations given to America by the British government, yet what comparison can the utmost exaggeration make between those provocations which America resents so vehemently when coming from Britain, and those to which she has quietly submitted from France. The French government, however, has at least had the merit of being uniform and consistent; while the vacillating and unsteady policy of Britain, leading the Americans to expect the most extravagant concessions, is the real cause of their violence against us. The present ministers had shewn a more steady resistance to these demands, than on many former occasions; and so far at least their conduct had certainly been advantageous to the country.

Upon the facts already stated, Lord Selkirk argued, that sufficient grounds had been laid for an address to the throne to state the opinion of the House, that satisfaction ought to be demanded from the American government, for the conduct of their officers, in seducing deserters from his majesty's naval service. That proposition rested on the acknowledged principles of the law of nations. But the question was closely connected with the general maritime rights of Great Britain—rights which were to be maintained on much broader grounds. The claim of this kingdom to the dominion of the seas has been treated by some of the highest authorities on the law of nations, as altogether untenable, and is still looked upon by many enlightened men as a fanciful creation of vulgar prejudice. But the circumstances of the world have so completely changed within the last twenty years, that the reasonings of Grotius and Puffendorf are no longer applicable to the existing state of things. On the very principles laid down by these eminent writers, there is now ground for asserting, on the part of Great Britain, a paramount right of jurisdiction over the ocean, founded on the same principles on which any other legitimate sovereignty can be claimed—on the principle that allegiance and protection are reciprocal duties. The British navy is the power which alone protects the freedom of the seas. A gigantic usurpation has overpowered the continent of Europe, and pursues its lawless course towards universal empire, setting at defiance all the restraints of justice and morality; and were it not checked

by the naval power of Great Britain, would assuredly be as tyrannical at sea as at land. The former conduct of France towards America itself is a sufficient proof of this. The Americans cannot have forgot the rapine, violence, and insult of the French cruizers from the year 1797 to 1799. The French government, now the champion of the liberty of the seas, then set up against neutral commerce pretensions the most monstrous, and in a state of professed peace exercised unheard of depredations on the American commerce. Every vessel which contained a single article of British produce or manufacture was condemned as prize, with all its cargo. On this and other such pretences, without a shadow of right, depredations were committed to the extent of 20 or 30 millions of dollars. In less than two years at least 300 American ships had in this way been condemned, for all which no reparation has to this day been made. The American government submitted, without venturing upon one act of retaliation, and at length concluded, in 1800, a treaty with France, in which the adjustment of the calamities mutually due and claimed, is put off to a more convenient opportunity. These captures were accompanied by every species of cruelty and insult. American captains were confined in irons, flogged, and even tortured. These facts rest on no doubtful authority. Mr. King, their ambassador at London, himself attests the case of an American captain, on whose hands he saw the marks of the thumb-screws. To all this, though continued for several years, the American government was obliged to submit; and if they are not still under the necessity of submitting to such treatment, it is the British navy which protects them. All other neutrals are in the same predicament. Not one of them would be able to maintain their own rights against the power of France. While the splendid victories of our navy have invested this nation with power to dictate the laws which are to govern the ocean, nothing is wanted but a just and equitable exercise of this power to put it on the same footing with any other legitimate jurisdiction. It is no less for our interest than our honour to obviate every probability of its being exerted unjustly. The dominion of the seas, for which we ought to contend, is not the mere vague ascendancy of superior force, —an ascendancy which, being exercised without rule, may occasionally be absurd, but a regular, systematic,

organized sovereignty, under which we ought to give to the commerce of all maritime independent nations the same protection as to our own, but with the express condition of their concurring with us in the measures which are necessary for the maintenance of that naval power, which is the last stay of the liberties of the world. Upon these principles, the British naval power might be rendered the basis of a grand maritime confederacy, under which the commercial rights of the associated states might be clearly defined and secured against all interruption. To such nations as are disposed to enter frankly into these views, every commercial advantage, which we can bestow, ought freely to be communicated. Those countries, on the other hand, which are under the controul of our antagonist, ought not to be allowed to navigate a ship. If it be not an idle fancy now to think of peace with France, the only condition on which it can be concluded with any appearance of safety, is that of her absolute renunciation of all rights on the sea, the surrender or destruction of her ships of war, and the assured renewal of hostilities when the first bolt is driven into a new one. On this principle, a system of foreign policy, worthy of the British nation, may yet be built; and on this system alone, can we expect to form a counterpoise to the overgrown power of France on the continent of Europe. Next to the establishment of an effectual system of military defence at home, this is the most important object of our policy; and one, in competition with which no commercial advantage deserves a moment's consideration. It is high time to act systematically on this view, to assert and maintain our maritime sovereignty, to lay down just and impartial laws, not to allow any nation in the world to navigate a ship except in compliance with them. With respect to America, we have no commercial interest that should be an obstacle to amicable arrangements; but if the great objects of maritime power and defence, involving the very existence of Britain, are to be sacrificed for paltry commercial advantages, disgrace will be our portion and ultimate ruin will be the consequence. If America be inclined to enter into treaty in a spirit truly friendly, there is little to be settled; but let her embargoes and non-intercourse acts continue, till she explicitly recognizes the British sovereignty of the seas.

Lord Selkirk concluded with moving an address:—"Humbly submitting to his majesty the opinion of the House, that in any arrangement which may be entered into, for the accommodation of the differences subsisting between his Majesty and the United States of America, it is essential to the honour of the British nation, that full satisfaction should be made by the American government, for the conduct of their officers in receiving and protecting deserters from his majesty's naval service, and particularly those entered for the American frigate Chesapeake, in the year 1807."

Lord Liverpool considered that such an address was unnecessary and ill-timed pending a negotiation, as the noble earl could not but acknowledge that he was in fact ignorant of the state and particulars of the negotiation carrying on. He likewise adverted to the prerogative of the crown, in negotiating treaties.

Lord Sidmouth did not think the motion necessary, but considered it as perfectly regular in itself; in illustration of which he quoted the address to Queen Anne, respecting the possession of Spain, which the House wished to have secured by treaty to the House of Austria.

Lords Liverpool and Sidmouth explained, and Lord Selkirk shortly replied; when the motion was put and negatived without a division.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 4.

COLONEL OGLE.

Lord Folkestone rose for the purpose of stating to the House, that when he first moved for the papers now on the table relative to Colonel Ogle's levy, he had applied to the conduct of that gentleman some strong terms; among others, that he had been guilty of perjury, fraud, and forgery. Since then he, from further inquiry, found that he was in error, and that no such serious charge was attributable to Colonel Ogle. He therefore felt it his duty to declare to the House the error he had fallen into, particularly as Colonel Ogle had expressed a very anxious desire that such an explanation should take place where the charge had originated. As to the remainder of what he had stated, he did not mean now to retract. He concluded by moving

for the copy of a letter from Mr. Merry to the War-office, dated 4th October, 1808, respecting Colonel Ogle's levy. This paper was accordingly granted.

PURITY OF ELECTION.

Mr. Curwen rose to make the motion of which he had given notice, which he conceived was a motion of the greatest importance which could possibly be submitted to the consideration of Parliment. He was perfectly aware, that any individual who at the present moment brought forward a motion which tended to agitate the feelings of the country, did so under a very great responsibility. He felt this responsibility; and yet he found himself compelled to complain of abuses. He had well weighed the matter, and it was his sincere opinion that there was less danger in discussing those subjects than in not discussing them. There could be no denying but that it was the general opinion throughout the country, that men obtained seats in that House by improper means. It therefore became the duty of the House to prove that this opinion was a mistaken one, if such were the case; but if the opinion was a true one, as he believed it was, then he thought it was their paramount duty to remove the abuse of which the country so justly complained. In fact, his majesty's ministers must have known long before the late disclosures had called for an expression of the public opinion, that the sentiments of the people had considerably changed respecting public men. If they had attended to the apathy and indifference in the public mind with respect to all those who are called public men, they would have observed there had been a great change of late years in the national feeling; and it was their duty to have attended to that change, to have examined its causes, and if the change had been produced by great and palpable abuses in the government, it was their duty to have removed those abuses. He trusted the right honourable gentleman (Mr. Perceval) would not now say, that this general feeling was to be attributed to the jacobins, or their conspiracies against the House of Brunswick. If he did declare such an opinion, he would pronounce a libel on the people of England. On a late most remarkable transaction, it was perfectly well known that, out of doors, at least ninety-nine out of every hundred considered the decision of that House to be wrong. For his part, he never in his life gave a vote with more reluctance, or with less merit to himself; for he was

absolutely compelled by the evidence to vote in a manner that was contrary to the decision of the House. There was one advantage, however, which the House might gain from what passed upon that occasion. The people had again begun to turn their eyes to that House, when they saw such a number of its members (including many of the first talents in that House), supporting in that assembly opinions which coincided with the general opinion of the country. The right honourable gentleman (Mr. Perceval), had certainly not found in the expression of the public opinion any thing particularly hostile to him, or very complimentary to the honourable gentleman who sat below him. (Here the honourable gentleman alluded to the members of the old opposition.) He therefore thought it would be very mistaken fortitude for that right honourable gentleman to stick to what he could not justify or defend. About the conclusion of the American war, there was perhaps a greater force, both in abilities and landed property, opposed to ministers, than had at any other time been opposed to any minister; and yet, at that time, whatever ministers suggested, the House adopted. The opposition then addressed themselves to the people, and were very successful in influencing the public opinion. They infused at that time into the minds of the people a strong desire for parliamentary reform; but they were much to blame for thus expressing opinions in which they were not sincere. There was, therefore, nothing which he now deprecated more than the support which his motion might receive from persons out of place, who would oppose it if they were in place. He thought nothing could be worse than thus making tools of the people to serve party purposes; and he hoped at least, that whoever supported his motion to-night would feel themselves pledged to support it if they should come into power. He was not for yielding any thing that was not just to popular clamour; but if the complaints of the people were just, they ought to be attended to, and their grievances redressed. He might agree with some persons that it might be dangerous at the present time to take out a stone from the fabric of the constitution, but he thought it would be presumptuous to say, we would not strengthen its foundation. When a right honourable gentleman (Mr. Pitt) came forward first in Parliament, and agitated the question of reform, he made a great impression on the House, and

if he had persevered in it, he must have succeeded; but unfortunately he became a minister, and then all his former principles respecting reform was forgotten. He felt perfectly convinced, that if the government at that time had yielded to the opinion of the people, the horrors of the reign of terror, and most of the evils which this country and Europe now suffer, might have been prevented. There was a great fund of good sense in the people of this country, and they would not long be made the dupes of artifice or clamour; and the right honourable gentleman might be convinced, that if a proper attention was paid to their reasonable complaints, they would be satisfied. As the right honourable gentleman (Mr. Perceval) had promised to support a clause which was similar to the present motion, he would be very glad indeed that he would take this motion into his hands. It could not come with more propriety from any other quarter; and if such a measure proceeded from his majesty's ministers, it would go a great way to conciliate the affections of the people, and their respect for that House. It must be recollected, that when at the commencement of Mr. Addington's administration, many harsh and severe measures of the preceding administration were repealed, this act conciliated the affections of all classes of people, and produced a general union in support of his government. The existence of these abuses had been expressly stated to the House on the petition of Mr. Horne Tooke, and ministers did not then attempt to deny it. It had appeared that one mercantile house was possessed of four seats, and nobody could suppose a commercial house would give 20,000*l.* for those seats unless for their own private advantage. Indeed he believed he might take it as a thing generally granted, that such abuses did in fact exist; and therefore the House was bound to vote for a motion that they should be removed. He did not bring forward this motion with any views, either hostile or friendly to any particular set of men, but merely for the general interests of the country. As to the appointment of judges, he conceived that in the whole course of this long reign the selection had been made on the soundest principles, and that no man had been appointed to that station that was not perfectly fit for it. He had the authority of one who had the most knowledge with respect to the constitution of Parliament (we believe he alluded to Sir W. Blackstone), to say, "it would be much better that

the oath was taken by the elected than by the electors." The value of an oath administered to persons of the first education would appear, from the great change which had taken place in the decisions of controverted elections, since Mr. Grenville's act placed the power of determining them in Committees who decide upon oath. Before that time it was generally supposed that the decisions were not governed by justice, but by party feeling. He would not talk now about the common objections respecting the multiplication of oaths; but he felt convinced that in this case it would be of the most important service, that an oath should be administered to the elected. If this were done, he believed it would go near to cutting up this species of bribery by the roots; for he never could bring himself to believe that any gentleman of that fortune, rank in life, and cultivated education, necessary to qualify him for a seat in that House, would deliberately take a false oath, for any advantage he could hope from obtaining a seat in Parliament. He also wished to extend the bribery laws of offences committed after the election as well as before it; for he knew that corruption had gone to such extent among many of the electors, that they never considered their right of voting as a trust for the public good, but as a private property, that they had a right to dispose of for their own advantage. Many of them who would be shocked at the idea of receiving a direct bribe to induce him to vote, still expected some compensation after the election was over. The merit and ability of the candidates were with them mere secondary considerations, and the person they elected was, the one from whom they expected the most advantage. There was an anecdote, however, on the other side which he would repeat with pleasure. An old lady (who was known by many members) had two seats to dispose of. A sum of 10,000*l.* was offered for them, which she declined. She was then offered 12,000*l.* but her answer was, "she had never engaged to that infamous sort of traffic, and she was now too old to begin." There were many other reasons which made such a regulation more necessary at present than in former times. It had been voted by a former House, that the influence of the crown "had increased, was increasing, and ought to be diminished." This influence had, however, continued to increase in an alarming degree since that time, by the increase of the army, navy, and revenue officers,

which added so far to the influence of the crown and the patronage of ministers, that if they required being jealously watched in former times, they required much stronger guards now, or else they might completely overbear the independence of the legislative body. Besides the increasing preponderance of the ministers, there was another preponderating influence now exerted in the House of Commons: He neither wished to depreciate commerce or commercial men, but still he thought the landed interest should preponderate over the monied interest in the House of Commons. The landed gentlemen were attached to the country by a common interest; but it often happened that the speculations of commercial men might be in opposition to the interest of the country. When the news of war was received with three cheers at the Stock Exchange, it could not be forgotten that war also brought with it loans and contracts, by which commercial men might profit. He believed that men, meeting this way in bodies, often expressed sentiments which they would individually disavow; and that many of those who hummed on the Change at hearing of a war, would in private confess that war in itself can never be desirable for a country. If the landed interest had its proper preponderance in that House, he thought the wish would cease of monopolizing the commerce of the whole world, because it produced the hatred and hostility of all nations. Landed gentlemen probably would not, though many individual merchants might, recommend the most expensive and burdensome wars, for the sake of securing an unjust monopoly. The country might then lose its passion for indefinitely extending its possessions, and colonizing all the nations of Europe. There were many abuses which the country might justly complain of, and if ministers would redress them they would be doing an incalculable service to the country, by bringing back the confidence and affections of the people to its public men. When they saw pensions of 3000*l.* per annum granted to persons of the highest rank, it was enough to make people indignant. When every cottager in the country was obliged to maintain his own children, it was too much that they should be taxed to the maintenance of the children of the rich and great. They did believe that these things were only done to support an infamous borough-monger system. If this system was weakened, it by no means followed that government would

be weakened. Many members of Parliament who, in the reign of James the Second, were obliged to bow to the corrupt system then prevailing, became afterwards very distinguished and useful members of the state, under a better government. Notwithstanding all that had been said about whigs, he believed there were many now in the country who possessed the genuine whig principles, which laid the foundation of the prosperity of the country as well as its independence. The great object in which he thought the gentlemen on both sides should now be united, was to unite the public sentiment, and carry the affections along with them in all their proceedings. There were many reforms which, taken altogether, would not lighten materially the burthens of the people, but would make them much more content to make those sacrifices which they were called upon to make. It would be a great satisfaction to them to think that neither an improvident nor corrupt use was made of their money. This consideration would at least serve to gild the pill that the country must swallow. There were taxes also which ought to be taken away; such as the dog-tax, and the taxing as grooms the servants of farmers. The salt tax ought also to be much lightened; and this was a relief which Mr. Pitt had given notice of the last session that he sat in that House. Any thing which could be done to win the affections of the people, would multiply in a great degree the resources of the country, and shew to Buonaparte that it was not merely our army and navy that he had to contend with, but the whole collective force of a united people. He thought that ministers should not have protected one of their colleagues (Lord Castlereagh) in opposition to the sense of the great majority of the people, and that that noble lord would do much better in resigning a situation in which he must feel that he was not supported by the confidence of his country. After apologizing for digressing somewhat from the object of the motion of which he had given notice, he concluded by moving "for leave to bring in a bill for securing the independence and purity of Parliament, by preventing the obtaining seats by improper means, and also to extend the laws respecting bribery."

Mr. Hibbert seconded the motion.

Mr. Windham said, he had no doubt but the House was willing and desirous to receive and discuss every question in a cause which ought to be heard; but there

might be instances in which a party ought not to be heard at all, instances in which, as in the courts of law, the plaintiff should be nonsuited. This was peculiarly the case with respect to parliamentary reform, in which nineteen in twenty, or perhaps 200 in a thousand, held such different, wild, and extravagant notions, that it was impossible any man could form a just or fair opinion of what they would be at. There were some measures which ought to be rejected *in limine*, to prevent the evil consequences which might follow from giving them the slightest encouragement. Such was, in his opinion, the measure of parliamentary reform; and as he looked upon the present motion to be a measure tending to that, he could not avoid opposing it in its outset. He begged the House to consider the nature of the remedy, and the danger of a change, which he, for his own part, was convinced would create greater difficulties than those which were proposed to be redressed. It seemed to him that the particular object which his honourable friend meant to correct by his proposed bill, was to lessen the influence of the monied interest, and to increase that of the landed interest. Before he adverted to the first or last object, he thought this motion ought to be rejected in the very first instance. It had for many years been his opinion, that the House ought strenuously to oppose as dangerous and mad any proposal for parliamentary reform: every system, and every feature of which that had hitherto been produced, was, in his mind, extravagantly and even ludicrously wrong—both practically and philosophically wrong; and when his honourable friend described the unanimity of the people, and inferred that it was to be obtained by this measure, he confessed he was totally at a loss to understand his meaning. They were then at issue, not on point of theory, but of fact—would that measure satisfy the people?

Mr. Fuller rose, and called the right honourable gentleman to order.

The Speaker said, that to call any person to order when he was not doing any thing contrary to order, was in the person so acting most disorderly.

Mr. Fuller said, he thought the right honourable gentleman was not in order, and he disclaimed to act disorderly as much as the Speaker did.

The Speaker requested the honourable gentleman to

consider how far he might incur the censure of the House by persisting to call a member to order who was not doing any thing contrary to it, and thereby interrupting the public business.

Mr. Windham continued.—Among the various plans which had heretofore appeared of parliamentary reform, that of universal suffrage was the most predominant. The monied interest might then say, it is very well for you who have landed property, but it went do for us: other objections would be raised by those who had neither money nor lands, and it would eventually turn out just as the French revolution had done. Nothing could do: it would be impossible to produce a plan at which one party or other would not snap their fingers. Of late days he had never heard any one who wanted to give preponderance to the landed interest, and those who did so must have little attended to the reforming out of doors. An honourable friend complained that the people were generally discontented, and desirous of change, and the great cause of this was the existing corruptions. He wished to know how far this doctrine was laid down. The bill, it appeared went to do away borough-mongering and corruption; would it do away the influence of property? When men lay down principles, they ought to be able to explain them. If his honourable friend had a greater fortune, he would of course have more interest than a 40*s.* freeholder. We had an *argumentum ad hominem* and *argumentum ad ignorantiam*, but we had no *argumentum ad rentali*, otherwise the influence of the landlord over the tenant was equally corruption with what was complained of. The law had laid down a rule that after so many days for the *teste* of the writ there should be no treating; by having infringed that rule he had lost the representation of the county of Norfolk; and yet he had done nothing either immoral or wrong. He had inadvertently acted contrary to the provision of an act of parliament on the subject, and he had thereby lost his seat. Was not this guarding against even the shadow of corruption? One set of reformers say, We will go so far; another set say, You shall go further; so that, once permitted to begin, there was no knowing where, or at what they would stop. His honourable friend had doubtless proper sympathies, but he could not expect others to have the same. If men took bribes, it was a corruption of that House, but no guarantee against the

people itself, co-eval with the constitution; such corruptions existed in times when the country was most prosperous and the best governed, and therefore, unless his honourable friend could shew that the country was now worse than it had ever been, he would not consent to a change. He denied that the transactions which had been brought to light in the late inquiry were at all to be considered corruptions of government. All that had been proved was, that such persons as Mrs. Clarke and Mr. Beazely had been trafficking for places and commissions, but there was no proof of corruption in the government; and as to any hope of pacifying the people by this bill, it was extravagance itself to suppose it. If there were corruptions in that House, they could not be cured by parliamentary reform; but he would not countenance such an idea. If once we began, we could never stop, and if once making change to please the people, they would go on; they would never know when they had enough; and therefore he would oppose the general principles of reform. There were two periods which the House ought to keep in remembrance; the American war and the French revolution. The former might in some degree be forgotten, but we had still the benefit of the French revolution fresh in our memory, and could not but recollect the manner in which the revolutionists had effected their purposes. Parliamentary reform was of the same cast and character; and it was blindness, infatuation, and madness, in the people, to think of relieving themselves by pulling the government to pieces.

Lord Folkestone said, the question of the late inquiry had already been disposed of, and he should therefore limit his observations to the motion only. His right honourable friend who had just sat down had argued this as a measure of parliamentary reform, and that the House should therefore reject it as such. There was a notice of a motion on that subject on the books, and when it came forward, it would then be time enough to argue that question. He could have wished that his right honourable friend, before he exerted his influence to reject the motion would have condescended to consider what it really was, and then he would not have had occasion to combat the phantom which he himself had raised. He would state his opinion of the motion, and the reason why it had been brought forward. The right honourable the Chancellor

of the Exchequer had lately introduced a bill to prevent trafficking in places. He (Lord Porkestone) had stated that at the treasury there existed a market, where a traffic was carried on for seats in that House, and that in consequence thereof persons came into that House bound to vote as they were ordered. There was at that moment an appearance on the other side of the House, as if they meant to deny the fact; but on its being more roundly asserted by an honourable friend of his not then in the House (Mr. Creevey), ministers reverted to recrimination. He (Lord Porkestone) then declared that he would move a clause on this subject, to be added to the bill; but upon Mr. Curwen's giving notice of this motion, he gave up the idea of introducing that clause. His right honourable friend who spoke last, had said it was senseless to suppose men in office would traffic for such places: it was, however, clearly ascertained they did so, and having come under the cognizance of the House it appeared to him impossible the House should refuse to countenance a bill, the object of which was to correct such abuses; and if the House refused to grant what is little for them to give, but great for the people to receive—if they refused to grant that relief which the bill held forth, it would be more apt to drive the people to despair, and dispose them to look to other means than those which were nothing more than the real spirit of the constitution.

The Chancellor of the Exchequer said, that the manner in which the honourable gentleman had brought forward his motion, made it necessary for him to trouble the House at greater length than he would have wished to do. The noble lord who had just sat down, had given notice of a clause which he intended to bring forward, to be added to the bill which he (Mr. Perceval) had introduced and he had promised the noble lord to give such clause a candid and serious consideration. He did also mean, and still continued in the same mind, to give an impartial judgment on the merits of the present bill; but it was impossible he could do so at present, for he could not by any means form an opinion in what way or what grounds the honourable gentleman meant to obtain his object. There seemed to him to be an impracticability of doing it, but he would not oppose his bringing in the bill, in order that he and the House might be able to judge what the merits and demerits of it might be. But in agreeing

to the motion of the honourable gentleman for leave to bring in his bill, he begged distinctly to be understood not to give any pledge to concur in the measure, or to be asked to any project of any alteration, regulation, or reform, such as that proposed by the honourable member. He could not, under the call of the honourable gentleman, pledge himself to support his measure throughout, though he should agree to its introduction, because as far as he was able to judge of it from the statement of the honourable gentleman himself, he did not think he could put it into any practicable shape, which would entitle it to the adoption of parliament. The honourable gentleman, at the time he admitted that it was not right to hold out any language to the people, which might excite hopes that were not likely to be realized, stated in the same breath that the people had a settled opinion that a reform in parliament was necessary. Then the honourable gentleman besought of him not to apply the character of jacobinism to those who advocated reform. He could assure that honourable member, that he did not mean to apply a jacobinical character to him or to any other honourable member, who should support his measure. But in saying this, had he not a right to expect to enlist that honourable member on his side, in imputing a jacobinical spirit to those, who by their speeches and resolutions out of doors, from which alone the honourable member appeared to have collected his notion of the opinion of the people, endeavoured to impress upon the people the idea, that a reform in parliament was necessary; to delude the public by statements mischievous, false, and fallacious, which were the true characteristics of jacobinism, and to inflame the public mind with exaggerated pictures of abuse, and imaginary and impracticable plans of reform. It was to such conduct that the character of jacobinism particularly applied; and if any member of the House, not venturing to make such delusive statements in this place, where they might be met and refuted, should endeavour to repeat them in other places, it would be very difficult to appreciate the mischief that might be the result. The language held to the people in other places was that the House of Commons was a sink of corruption, and that that House was the only place wherein the voice of the people was treated with contempt. Throughout the whole of the speeches and resolutions to which he alluded

these misrepresentations in terms not literally false, but founded upon reasoning delusive and fallacious. It was asserted that they who composed that house, sat there contrary to that law which seated the family of his majesty upon the throne; because it was enacted by that act, that no placemen or pensioners should have a seat in that House. What language was that to be held out to the people without any comment on the fact, or any illustration of the law? The act in question had been passed in the year 1700, and was repealed in the year 1704; it was not to have taken effect until after the accession of the House of Brunswick to the throne, and had consequently never been the law of the land. And yet, the persons to whom he had been called upon not to apply the word jacobin, had ventured to state, with a view to inflame the public mind, that the members of that House were sitting in it contrary to law, without adding that the law they referred to had never been in force—was never intended to have operation in the time of the framers—was only to have effect at the expiration of two successive reigns, and had actually been repealed four years after it was passed, and many years before it could pass into a law. The honourable gentleman had acknowledged that he had been a reformer in 1784; and though he admitted, at the same time, that he had then acted upon mistaken grounds, he had in the same breath accused the late Mr. Pitt of apostacy from the cause of reform. The fact was, that Mr. Pitt, upon clearer facts and more accurate information, had anticipated that conviction which seemed so tardily to come upon the honourable member. He should now proceed to say a few words upon the plan of the honourable gentleman. It appeared that he proposed to subject the elected member to an oath; to impose a penalty upon the seller of a seat, though not upon the buyer, and to extend the bribery laws to a certain limit after the election. The imposition of the oath upon the elected member might be desirable, but it was impossible to judge, without having the precise form of the oath under consideration. The honourable gentleman had a right to expect that the House should give him leave to bring in his bill; but, in doing that, the House would not be pledged to his plan, or any other to the same extent. The bill in its title was unexceptionable; but in order to decide upon the measure they should have the bill before the House; and he was

apprehensive that the honourable gentleman would find himself involved in endless difficulties. The honourable member had deprecated the use of language that might tend to mislead the people, yet, without certainly having any such intention, the honourable member had, in representing that House as too warlike, used language calculated to mislead the public, as if a reform of that House would put an end to the war. After the very able speech of the right honourable gentleman opposite (Mr. Windham), it was unnecessary for him to shew that the measure proposed would not allay what the honourable mover represented as the disturbed state of the public mind. If the honourable member took his idea of the state of the public mind from the resolutions and speeches to which he had before alluded, and where could he have taken it but from them, could he suppose that this measure would satisfy the persons who uttered them? If the measure had been proposed by government, it would have been characterized as the most delusive that had ever been projected to impose upon the nation. He should not oppose the motion for bringing in the bill, and trusted he should have the vigilant assistance of the right honourable gentleman (Mr. Windham) in watching every part of its progress. Whatever he might think respecting the inconvenience of any change at the present moment, he had no hesitation in saying that there could be no inconvenience in discussing any project of reform. What was said to be the growing sentiment of the country respecting reform had arisen from the silence of parliament; and the only effectual mode of putting an end to the delusion practised upon the public, was to take up the discussion of such subjects in that House, and not leave them to be discussed in popular meetings and inflammatory papers out of doors. On these grounds, he should allow the bill to go to a second reading, but without giving any pledge to support it.

Mr. Ponsonby heard with satisfaction the intention of the right honourable gentleman to support the motion of his honourable friend, so far as the instruction of the measure. This measure was simply an act of regulation, and, as it did not make any part of the question of parliamentary reform, he should abstain from making any observation upon that subject. The honourable gentleman who proposed this measure to the House had said, that he

would not value the support of any man who would not continue that support whether in or out of office. For his part, he had never given support to any measure that he did not continue to the end; and he was then out of office because he would not abandon the support of a measure which he looked upon as essential to the vital interests of this empire. But in demanding such a pledge, the honourable member must suppose two things; first, that his measure is to be such as a member could support; and next, that it be practicable. As far as he could judge from the statement of his honourable friend, he looked upon the measure he proposed not only as right and practicable, but not likely to produce any of the dangers apprehended by his right honourable friend. It would be impossible, however, to give an unlimited pledge until the measure should be before the House, and they could have an opportunity of examining it in all its bearings. He agreed that it was particularly desirable for the members of that House, and most especially for those on the side on which he sat, not to give rise to any expectations on the part of the people, which there was no prospect of realizing. They should never resort to those base and detestable arts, by which such expectations were encouraged, when the persons exciting them must be sensible that they could never be gratified.

Mr. Fuller begged to apologize to the right honourable gentleman (Mr. Windham) for having interrupted him, which had arisen from the state to which his feelings had been excited, in observing an honourable member the third from him, interrupt him, whilst speaking so nobly to the subject. He could assure the Speaker on the honour of a gentleman, and his family had been for two centuries as honourable as any others in the kingdom, that he had not meant any disrespect to him. On the contrary, he had ever supported him, even against the miserable fellows who used to write against him. *(Question, question!)* Well, to the question; as to the bill proposed, and the oaths that were to be imposed, he was perfectly disinterested; and having made this statement, he should not give them more trouble, but instantly withdraw *(which the honourable member actually did, upon making his bow to the chair, amidst convulsions of laughter)*.

Mr. I. H. Browne disapproved of the measure, be-

cause it would have the effect of excluding a great portion of the wisdom and talents it possessed from that House. If the bill passed, it would not satisfy the persons at the Crown and Anchor that their charges of bribery and corruption were not well founded. The bill could not lead to any beneficial result, and in opposing it he trusted that he should not be considered as more a friend to corruption than any other honourable member. The bill he thought could not be rejected too soon.

Mr. Bathurst was of opinion that his right honourable friend (Mr. Windham) had unnecessarily blended this measure with parliamentary reform. He was pleased with the candid manner in which the proposition had been received by his right honourable friend (the Chancellor of the Exchequer), when he admitted that the bill may be entertained. Many of the topics which had been introduced during the discussion he was determined to lay out of his consideration, as it was enough for him to look at the measure as it was presented to him. He was not to take it upon the grounds even of the honourable gentleman who brought it forward. The measure, in his mind, would be productive of benefit, though he was not sanguine enough to expect that it would be attended with all the good consequences expected by the honourable mover. From the long examination which that House had lately been unfortunately engaged in, (not unfortunately, considering the importance of the subject, but unfortunately, as must appear to all those who wish well to the good government of this country,) it had gone abroad that that House and the present times were peculiarly chargeable with corruption. From all that he had seen he was convinced that the charge was groundless. The bill proposed would, however, not satisfy those persons who made this charge. As to the expectation held out that the measure would make any alteration in the description of persons returned to that House, he did not think it would have any effect of that nature, because he was persuaded that as large a proportion of landed gentlemen, as of any other description, procured their seats in that House by the means objected to. He took the measure to be much more practicable than it was supposed by his right honourable friend (the Chancellor of the Exchequer). The precise complaint to be redressed was, that the influence which individuals had in the return of mem-

bers to that House, had been transferred to others for a pecuniary consideration. If it was desirable that this practice should not exist, then the next question was, how it would it be practicable to restrain it? and this the measure proposed appeared to him likely to do. But his right honourable friend (Mr. Windham), appeared to him to take the alarm too soon at the idea of reform. If the practice was wrong, it was no reason to urge against the adoption of a remedy, that it might lead to an expectation of still further measures. The bill proposed by the honourable gentleman was a mere act of regulation, and had no connection whatever with the more difficult and more dangerous question of parliamentary reform. The arguments urged against this bill would have equally applied against the Grenville act, and all the other acts for regulating the conduct of parliament which had been passed since the Revolution; and he contended, that the present question had less reference to parliamentary reform than any of the other acts to which he had alluded. This bill was to contain a mere regulation, and was not intended to touch any existing rights of election. It proceeded upon the assumption that any individual might constitutionally exercise the influence which his character, his rank, or his property might procure for him in his neighbourhood, in favour of any body he pleased to recommend, but was to prohibit him from transferring that influence for a pecuniary consideration. It was perfectly proper, that any individual so circumstanced should recommend whom he pleased to those who might apply for his advice, from deference to superior knowledge, experience, and character, but it was not right that he should transfer that influence for money. For one he should not pledge himself to the measure, till it should be brought in, and he should have an opportunity of judging whether he could give it his support. But he was glad that the bill was to be allowed to go to the second reading, because the House would thereby be enabled to decide upon its merits.

Mr. W. Smith expressed his regret that a spirit like that displayed in the very able speech of the last speaker did not pervade the House. He could not conceive what right any man had to throw the smallest reflection on the advocates of parliamentary reform. The principles upon which they proposed to proceed had the sanction of

Lord Chatham, Mr. Pitt, and Mr. Fox, three of the greatest men that ever appeared in this or any other country. Would any of the puny mortals of the present day think of setting themselves up against such men? Did any man mean to say that these persons were insincere? Would they have brought forward the subject, if they were insincere? And now, gentlemen,—(*a roar of laughter, which continued for several minutes.*) [Mr. Smith was one of the speakers at the meeting at the Crown and Anchor.] He had to apologize to the House for having improperly addressed them, but all men were liable to mistakes, and the sentiments he uttered in one assembly, he should not hesitate to express in another. His opinion of a parliamentary reform was, that members should be independent, but not of their constituents. The regulation proposed by his honourable friend would tend to make members less dependent on a certain set of men than they now are. He fully concurred in every sentiment expressed by the Chancellor of the Exchequer on the impropriety and danger of holding out delusive expectations to the people.

Lord Temple said, he would detain the House only for a very short time. He entirely agreed in the very able speech made by the right honourable gentleman (Mr. Bathurst) on the bench below. He also perfectly concurred in the statements he made. He wished it to be understood, that the principle upon which he agreed to the motion was the principle which pervaded, what, by the courtesy of the House, was called the Grenville bill, a measure for which he had an hereditary veneration. It was upon that principle that he wished success to the bill of the honourable gentleman. He would support the bill also, because it took away one of the greatest arguments in favour of parliamentary reform. It would also diffuse a salutary confidence in parliament in the country. With this retrospective view, and looking forward to the future, the motion should have his cordial support.

Mr. Curwen did not intend to trouble the House to any length. He was totally at a loss to account why the right honourable gentleman did not oppose the bringing in the bill, when he had expressed so determined a resolution to oppose it in its progress. Did he say, that the evils, which it was the object of the bill to remedy, did not exist? If he did, why did he allow the bill to be brought

he was obliged to the right honourable gentleman below him for the qualified promised support he had given him; but he would not admit that he was in the smallest degree obliged to the right honourable gentleman on the opposite bench. Was it for the purpose of putting him in a situation of difficulty, and thereby shewing his inability, that he would suffer him to bring in the bill? In answer to what had fallen from an honourable gentleman, respecting factious meetings, he would assert that there was not a man in the House who would more firmly resist the clamour of such meetings than himself. It was not to the inflammatory proceedings of a drunken meeting at a tavern that he looked for the opinion of the people. He abhorred such meetings, and he lamented that men of character, talents, and respectability, should be found to countenance them. Their proceedings betrayed a confirmed disposition to depreciate all public men, as well as a total disinclination to accept and pursue any system of reform, having moderation for its principle and basis. But, as he said before, it was not from such meetings that he collected the sense of the people. It was impossible for him not to look round the country, and to hear the expression of public opinion echoed from every corner of it. With respect to the objection against the indefinite nature of his motion, he would say, that the form in which it was submitted to the House was not of his dictation. On that subject he had consulted some of the ablest men in the House, and particularly the distinguished character in the chair. He must again disclaim for himself any connection with tavern meetings. The honourable member thought wrong of him if he supposed he thought differently of the late meeting at the Crown and Anchor from himself. After the very able explanation given of the bill by the right honourable gentleman below him, he should not trespass on the indulgence of the House by any further observations. He must, however, again repeat, that the object of the bill was to prevent the obtaining of seats in parliament by direct, flagrant, palpable corruption, and not to do away the operation of influence. He could not believe that any member of that House, any man in the country, would be capable of an act so immoral as the violation of the sanction he meant to propose. He knew that he had great difficulties to encounter, but he trusted, with the assistance of the House, he should

be able to surmount them. His bill would have no reference to the act of William and Mary, commonly called the treating act.

The question being put, the motion was carried almost unanimously; and Mr. Curwen, Mr. Ponsonby, Sir A. Pigott, Sir S. Romilly, Lord Folkestone, Mr. Windham, and others, were ordered to prepare and bring in the bill. [At Mr. Windham's name there was loud and continued laughter.]—Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 5.

Lord Erskine brought in a bill for the more effectual prevention of cruelty towards animals. The bill was read a first time, and ordered to be printed; and his lordship gave notice that on Monday, if it were then printed, he would fix a day for the second reading.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 5.

CHARGES AGAINST MINISTERS.

Mr. Madocks rose to bring forward the motion of which he had given notice some days ago, relating to corrupt practices of the treasury with respect to the return of members of parliament. He observed that he was fully aware that he had no claim on the attention of the House, but that which he derived from the very important nature of the subject that he felt it his duty to lay before them. The task he had undertaken was most ungracious and unpleasant; and nothing but a strong sense of public duty should have induced him to place himself in the situation of becoming the accuser of any man. It would not be necessary for him to trespass long upon the indulgence of the House. The substance of the motion he meant to propose lay in a very narrow compass. It consisted in a charge of corrupt practices against two of its members. He wished only to be permitted to make one prefatory observation, and it was this, that the facts that came to his knowledge were so dangerous, so prejudicial to the genuine spirit and principles

of the constitution, that he would have justly merited to be stigmatized as a traitor to his country if he had declined to lay them before the House. Before he proceeded further, he would move that the several entries on the journals relating to the proceedings against the two Shepherds, members of that House, be read. [The clerk here read the entry, dated the 13th February, 1700, in which it was stated, that Samuel and Francis Shepherd, Esqrs. members of that House, were ordered to attend in their places, on charges of corrupt practices respecting seats in parliament; also the entry dated Feb. 15, 1700, specifying, that corruption had been practised on the electors of Newport, in the Isle of Wight, Malmsbury, Wootton Basset, and other places; also the entry of March 18th, 1700, stating, that Messrs. Shepherds had been heard in their places, and by their counsel at the bar; finding the charges proved, and ordering that Samuel Shepherd, senior, be committed to the Tower, and his agent to Newgate.] He wished to call the attention of the House to the form of the proceeding on that occasion. It appeared first, that information of the corrupt practices was laid before the House; next, that the two Shepherds were heard in their places; and thirdly, that they were heaped by their counsel at the bar. The charges he had to bring forward were against two of his majesty's ministers; one against the right honourable Spencer Perceval, for having, through the agency of the honourable Henry Wellesley, been guilty of corrupt practices respecting the returns of members to that House. The other was against the right honourable Lord Viscount Castlereagh, for similar practices. He would take up the time of the House no longer, but move that these charges be heard at the bar on Tuesday next.

The motion having been read from the chair,

The Chancellor of the Exchequer (rising under evident agitation) said, that he knew not what course was pursued in 1700, the era of the honourable member's precedents; but through the whole of his acquaintance with the proceedings of that House, he never knew any instance when an accusation was brought forward against a member, that the substance of such accusation was not previously communicated to him; and that, through the common courtesy of the House, he was not allowed to be heard in his defence. The honourable member, however, was the

best judge of the course he meant to pursue. Under these circumstances, nothing remained for him but to make his bow, and leave the question to the decision of the House. [The right honourable member immediately left the House.]

Sir J. Anstruther said, that the form of proceeding proposed by the honourable member was one of the strangest he ever heard. The House would pause before it came to so extraordinary a resolution. Whether the persons accused stood there as his majesty's ministers, or whether they were the lowest members of society, they were entitled, before they were called on for their defence, to be acquainted with the nature at least of the crime with which they were charged. What information, he would ask, had the honourable member given, to call upon the House to adopt so solemn a proceeding, as a hearing at their bar? What charges had he specified against Mr. Spencer Perceval or Lord Castlereagh? Would any court, which deserved to be called a court, conduct itself upon such principles? Was it ever heard, that a person is to be set down as one under accusation, without the slightest information having been laid before the House? The honourable member tells them, that he is informed a member of that House had stated in a former debate some instances of corrupt practices within his knowledge; and upon these grounds he prefers a charge, which has the effect of obliging the right honourable member to quit the House. If every member, against whom vague and indefinite charges of this kind might be brought forward must withdraw, as a matter of course, the honourable member might soon have the whole House to himself. He deprecated the scattering of loose and unfounded accusations. The honourable member was totally mistaken in his precedent. As far as his recollection served him, it did not sanction the form of proceeding he recommended. The charges against the Shepherds were the subject of long and frequent examinations before Committees of that House. There was no precedent for putting a man on his trial on such slight grounds.

Sir F. Burdett observed, that his honourable friend had no objection to state the particulars of that information which he meant to lay before the House. He always understood that a member informing the House that a report had reached him of corrupt practices, was held suffi-

sient grounds to proceed upon. The House had often proceeded to hear evidence at the bar, upon even slighter grounds than the mere knowledge of members.

Mr. Bathurst thought it was the duty of the right honourable members against whom the charges was brought to stand up and second the motion, if it were only for the purpose of clearing their characters. After what had been said in that House, respecting these corrupt practices, it was impossible not to take notice of the subject. The House could not, maintaining any regard for its character, pass over so extraordinary a circumstance. Some of his majesty's ministers were charged with being active agents in corruption. The tone and dignity of that House must be gradually fallen, the feelings of ministers themselves must be woefully blunted, indeed, if they could sit in their places, and hear such accusations. The honourable member was entitled to the attention of the House, if it were only on account of the grave and important nature of the charge he brought forward. It was, in substance, no less than this, that two of his majesty's ministers were accused of corrupt practices, to procure returns of members to parliament.

Mr. Bathurst conceived there was something extremely irregular in the form of proceeding proposed by the honourable member. It was a form of proceeding better adapted to the genius and spirit of one of the meetings that were so frequent, and so industriously promoted, than befitting the temper and dignity of that House. It would well become that meeting in which the extraordinary proposition was made and approved, that a man holding a place under government was not fit to sit in that House. Such propositions were not intended for the sober consideration of parliament. No; their object was to increase the popular ferment, to add fuel to fire; and to encourage and propagate that dangerous spirit that was circulated with a diligence the most suspicious.

"Spargere voces in vulgus ambiguas"—

seemed to be the grand principle of action of the leaders of these meetings. Their aim was to cry down all public men—to render them objects of distrust and suspicion. He could perceive no good, no substance in a motion grounded on undefined charges of this kind. For his part, he must require something tangible—some state-

ment that would enable him to determine whether the charge was fit to be entertained, and what were the grounds of suspicion. With respect to the precedent read, it did not stand upon the loose grounds that the motion of the honourable member did. It was not because one member should say that another did so and so, that that other member should be called upon to negative it. Where the charge was direct, the course of proceeding was plain. Instead of seconding the motion, the right honourable member could only do as he had done; and they were bound to support him against a most unfair mode of endeavouring to implicate the House.

Mr. Biddulph thought it extraordinary that the right honourable member, with whom he had not the least acquaintance, and who knew but little of him, should charge him with participating in factious meetings, and ——

Mr. Whitbread rose to order. It appeared to him that the honourable member totally misunderstood the last speaker.

Mr. Bathurst explained that he certainly had no knowledge of the honourable member. What he said relating to factious meetings was meant to apply to the honourable member; but he now understood that he never attended any of those meetings, and he therefore begged pardon for having so alluded to him.

Mr. Madocks said, that when he gave notice of the motion which he brought forward that evening, he stated the substance of it as fully and explicitly as he could. He conceived that he would best do his duty by resting his proceeding upon precedent. If, in pursuing this course, he could be supposed to have acted uncandidly towards the members against whom his charges were directed, he begged to apologize to them. It arose from ignorance; for he could assure those honourable members, and he trusted the assertion would be believed, that he was anxious to bring the subject forward as fairly as possible. He was ready to adopt any mode of proceeding the House should recommend. It never was his intention, indeed it would be unfair, to send out a story to the country, without being prepared to prove the fact.

[Here the Speaker interposed, and said, that after what had just fallen from the honourable member, he felt it

impertinence upon him to submit to the House his sentiments on the course of proceeding. If it were fit that a member should be heard in his place, it was fit that he should hear the charges against which he was to defend himself. No charges could be stated against any absent member. In respect to the notice, the honourable member would allow him to tell him, that any notice against ministers applied to the whole of the administration, and that it was not the practice of ministers to withdraw, except the charges were personal. The notice the honourable member gave was against ministers generally. With respect to charges, the House always received them with great strictness and deliberation. They ought to be brought forward in the most solemn manner. There were two modes of proceeding; either by impeachment, in which case they were decided by another tribunal; or sometimes oral charges were heard, against which the parties accused defended themselves in their places, and frequently by their counsel at the bar; and upon the whole matter the House came to such conclusion as it thought proper. With respect to the precedent that had been read, there was, to be sure, no speech on the journals; but there was enough to imply that the substance of the motion had been previously given to the House. Without premises, no opinion was to be expected. A charge implies that the person accused is to be heard; that there is something on which he must be heard. After hearing the person accused, it would be for the House to say aye or no, whether they should proceed further. Reverting, therefore, to the subject, it was his opinion that no particulars of charge could now be stated. This opinion, however, if adopted by the House, shut out no further inquiry; shut out no honourable member from proceeding at any other time. The motion of the honourable member came as much by surprize upon him as upon the House; so much so, indeed, that he was not able to afford him that assistance he wished. If it should be the sense of the House not to proceed, as he thought it ought, it would be his duty to take its sense aye or no on the motion.

Mr. Madocks said, that he would be the last person to state any thing to the House which he conceived to be improper.

Mr. Secretary Canning thought there could be but one sentiment in the House on the subject of the present motion. Considering the mode in which it was brought forward, and the mistake in the case of the precedent referred to, he was convinced that the House ought to mark its opinion in so decided a manner, as not to render itself liable to a recurrence of such a proceeding. He rose, therefore, to advise the House not to agree to the withdrawing of the motion, but without intending any personal disrespect to the honourable mover. He should consequently oppose any motion of that nature, and call for the marked opinion of the House.

Mr. Whitbread rose to offer a few words. He commenced by noticing the curious reason assigned by the Secretary of State for refusing to permit to motion to be withdrawn, and then negativing it; namely, that the House would thereby prevent the recurrence of similar errors. But it was for all that right honourable gentleman's ingenuity to find out how such a result as that was to be produced by the naked entry on the journals of a proposition made and negatived. How could the negativing of the motion prevent any future misunderstanding of Shepherd's case. But the honourable member had not shewn any desire to withdraw his motion. As to the motion itself, notwithstanding the able exposition from the chair, given with all the knowledge which characterized the right hon. gentleman, who was at all times so ready to give his assistance to every member of parliament, yet it appeared to him that any person might be misled by the entry. There was no record of any, or what information was given in the instance of Shepherd's case, and therefore we were quite in the dark on that point. Shepherd protested his innocence, as the Chancellor of the Exchequer might have protested his innocence in this case. The Secretary of State himself had not been backward in proposing a resolution without a previous notice. The honourable member behind him had made a general charge, and had declared his readiness to tell his story to the House. He had, in his opinion, a perfect right to do so. The House had been warned against the effects of what had been termed "wide-wasting motions," which were inconsistent with the duty of members to each other, and to the state. To

avoid such objections as were made against the activity of Committees, the honourable member had preferred a general charge of corruption, in the first instance, and had selected and specified two individual ministers of state, as parties against whom he declared himself ready to enter into the case, taking upon himself the responsibility and peril of the task. A right honourable gentleman had stated, that this charge might appear to be a trifling matter, when examined, and therefore, that it was necessary to know its nature beforehand: in short to have it brought before the House in a *tangible shape*. A *tangible shape*, he (Mr. W.) thought rather an awkward expression at present. The House had recently had pretty strong calls upon them for *tangible* shapes, and these *tangible* shapes had not turned out exactly as they were wished and expected to turn out. For his part, he thought the moment for putting the present charge into a *tangible* shape would be precisely that, when the witnesses were called to the bar of the House to be examined upon the subject. This motion, it appeared, was treated by honourable gentlemen opposite as one part of a general system organized for the attack of all public men. This he must deny. Where was such a systematical plan to be dicovered? What was to be expected from the feelings of the public, when they saw lately such an instance of the judgment of that House in a case where the accusation was brought home to the accused person, who *confessed* the commission of the offence, and whose confession was upon record; and yet that House, (always so watchful of its privileges and its dignity,) took no notice of what was proved, and saw no necessity of coming to any criminating resolution? Where did their motions for investigation fail, when they were put into a *tangible* shape? A right honourable gentleman had thought proper to make some remarks upon gentlemens' attending certain clubs and societies existing for the purpose, as he supposed, of exciting the public mind and inflaming popular passion. What had, in fact, excited the public mind? What, but the results of recent investigations into transactions of public importance! What, but the refusal of the House of Commons to do justice on a member and a minister who did not deny his offences! What, without imputing such a design to ministers, would be the consequence of an attempt to stifle the

expression of the public voice? He readily avowed, that during the whole of his political life he had been in the habit of attending meetings of the people. Every word he had said on these occasions he considered himself responsible for. He would not retract one word that he had used on such occasions. He was not one of those who would say they were sorry for having been at public meetings. He thought it fair to speak out, whatever marks of displeasure or censure he might observe on the countenances of gentlemen opposite, for he was neither afraid nor ashamed to avow that his not having been present at one meeting in particular, recently held, which gave great offence, did not arise from any thing he disliked or thought improper in the object of that meeting. He thought, indeed, that advantage might be taken to excite and inflame the public against the persons and principles of the friends of reform. He professed himself to be strenuously for a reform in the way in which it was defined last night, as an alteration in the constitution of that House. In noticing the remarks of the right honourable gentleman, he applied to the tendency of part of his speech the question he (Mr. Bathurst) had used—

"Spargere voces in vulgus ambiguas."

That right honourable gentleman supposed that the results of such a reform as was proposed, would be to exclude all public men from sitting in that House. He did not think so. He was not himself of that opinion, for he did not think that the Chancellor of the Exchequer, or the First Lord of the Treasury, or the Secretary of State, or any of the great and efficient Officers of the Crown, should be excluded from seats in that House. He would not go to the same extent as the act of settlement; but he must say, that he did see many before him holding places, who, without meaning any thing personal to them, he did think ought to be excluded. When a cry was raised against public meetings, because two ministers were charged with corruption, he felt desirous to ask the Chancellor of the Exchequer a few questions with respect to the means of inflaming the public mind. Was it meant to say that the few persons who were at the recent meeting could be so extremely dangerous? Was it true or not that gross corruptions existed? He would admit not so gross as in former times, but yet gross

enough. Were we so purified? Had we really done enough in the progress of reform? No, we could never do enough; if the work of reform ceased, while human nature was human nature, corruption would succeed and triumph. We know that members were formerly paid by the crown so many pounds a year for their votes and support in the House of Commons. Corruption was not now so gross; but in those times they had the benefit of arguments against reforms similar to those used at present. Could any man arraign the conduct of his honourable friend who made the motion, and venture to say, that there was not corruption in the election of members of parliament? He had never been in office, and therefore had not the means of such particular knowledge of these things as some others; but he could speak from that sort of general knowledge that he had acquired on the subject, and was desirous that it should pass under an examination. He thought his honourable friend might fairly stand on the question of form, and take the sense of the House. It was improper now to enter into particular observations while the parties accused were absent; but he contended that cases might occur, and in which a member might not have a quarter of an hour's notice, to bring general charges. The Secretary of State wished a negative to be put upon this motion, to serve as a sort of land-mark to prevent future attempts at encroachment. He too wished the sense of the House taken, to serve as a land-mark of the privileges and duties of members of that House. Corrupt conduct was imputed to Mr. Spencer Perceval and Lord Castlereagh. The responsibility was on the mover, and let the House decide fairly; the withdrawing of the motion might carry the appearance of mistake in the mover. It might have been more prudent to consult the opinion of the Chair; but the motion being made, he thought the principle of the right ought not to be yielded. This was an attack, not upon all public men, but on their corrupt practices; and if defeated in the question now, he hoped it would be brought on again almost immediately. They all knew of these practices, and they had recognized them. The House of Commons had passed over a case proved before them, and the man remained a minister of state. Does not that transaction shew that abuse is not corrected or checked? and those men who do not wish for a parliamentary reform, should

look well to the remedy of what is practically wrong, and for which members might be sent to Newgate. A member offers to prove the existence of ministerial corruption, and up jumps some honourable gentleman, and charges him with attacking all public characters, and endeavouring to destroy the constitution from the foundation, and to build up some new edifice. He denied again the truth of such charges. He saw no proof or just suspicion of such a system as was alluded to. If the House would not give the people the right of public investigation into abuses, the people may be contented and quiet; but they would see, that they who refused inquiry, refused to them the British constitution.

Sir John Anstruther explained, that he did not state that the attack on Lord Castlereagh was part of an attack on all public men, whatever opinion he might entertain on that subject.

Mr. Yorke spoke with great animation in reprobation of the motion. He considered it as unjust and ridiculous. Were honourable gentlemen so ignorant of the history of their country, of the forms and privileges of that House, in which they had the honour to sit, as to encourage a motion so unjust and unprecedented? Every man who was conversant in the proceedings of the House, who had the smallest ideas of justice, of liberty, of the laws under which he lives, must give to it his decided negative, and not allow a refuge to this unjust, this ridiculous motion.

Mr. Gooch, noticing the observation, that attempts were made to throw a slur on the conduct of persons attending public meetings, said, that if the speeches attributed to particular persons were literally so, they went near to destroy what was the most desirable of all things in the present state of the country; he meant the unanimity of the public mind; and tended to more mischief than all their authors could retrieve, if they lived to sit in the House for an hundred years to come. He would give his feeble assistance to the prevention of real abuses, but not to those general attacks of abuses, never known as such till these *pure* days! These public meetings could only do mischief. He did not impute improper motives to individuals, but as to voting public thanks to a gentleman for his patriotism, he would as soon vote them to Mrs. Clarke for her *virtue*. (*A laugh. Hear, hear!*) He would not be deterred from his opinions by the sentiments of any set of

people. The expressions he had heard imputed to an honourable gentleman, did him no credit as an Englishman. He hoped always to see respectable persons opposing government. They were the guardians of the public interest; but there was a power behind those benches (the opposition benches) greater than those benches themselves. That power looked not to Parliament, but to a faction who would get rid of all parties, and represent themselves to the country as the concentrated essence of political purity. (*Hear!*) The honourable baronet opposite (Sir Francis Burdett) with whom he was once in friendship, acted, he believed, honestly and conscientiously in public life, or else his nature must have changed since he knew him; but his political proceedings had his total dissent, and he trembled at the consequence of his enthusiastic conduct.

The Hon. Mr. Littleton had never heard of such charges, unsupported by proofs, as were made from the opposite side of the House. The benches below him were, it seemed, the guards of the public purse. What then became of ministers, and of all the rest of the House? The most severe remarks had been introduced at public meetings. He had happened to attend at one of them for the specific purpose and object of celebrating in common with all the nation the conduct of that minority of 125, of which one gentleman in particular was the leader. The nation had expressed its sentiment of that minority in a strong and audible voice, and he thought that gentlemen ought not to hesitate to treat that voice with respect, though an honourable member might charge such celebrations as attempts to create confusion. The object of the meeting he attended was definite and honourable. He did not go to the Crown and Anchor for reasons similar to those already stated (by Mr. Whitbread). If the House adopted a moderate and just reform, he believed that the public meetings would be fewer, and less alarming to government. They were the natural consequences of the misconduct of the House, and there was no prevention of them by absolute force, but by timely reform. As for misrepresentations of the press, which were complained of by gentlemen opposite, had not others, and particularly an honourable baronet, been treated to the full with as little ceremony. He could not believe that the nation would impute to the advocates of reform what the

press imputed to them. Indeed, such reports of public meetings would be trampled upon, if the grievances themselves did not actually exist. He thought, after what the Speaker had said, it would be more regular to withdraw the motion; but not to withdraw it so as to yield a privilege. He concluded by declaring his opinion, that the ministers of the crown possessed an undue influence in that House.

The Hon. Mr. Brand expressed his astonishment to hear accusations and censures on gentlemen for an ancient, acknowledged constitutional practice of Englishmen, in attending public meetings. This, he had been always taught, ignorant as perhaps he was of the history of the country. (*Hear!*) Meetings of the people for the attainment of a moderate reform, conducted with regularity and order, did not lead to public mischief, but to open the eyes of the country and of the House. He avowed that he was a steward at one of those meetings, and joined in recommending to the counties to petition Parliament for the desired reform, temperately, yet urgently. That embraced the entire object of the meeting. He was ready at any time, to defend his conduct on the principles of our forefathers, and should continue to be guided by those principles. He rose chiefly at present to repel unfounded aspersions.

Mr. Sturges Bourne said, that no distinct charge had been proposed against either of the two parties accused. He never knew any motion more contrary to justice in that House, or elsewhere. He was even surprized to hear it defended by an honourable member opposite, versed, as he was, in his favourite character of a public accuser (Mr. Whitbread) in the British House of Commons. Was a charge of personal corruption to be treated like a general charge against an administration? He was proud that he was no party to such resolutions as those lately published, stating a clause in the act of settlement as the existing law of the land, which never was law. [Here it was observed that it was four years before it was repealed.] Never till lately had it been seen in this country that bodies of people, not present during a judicial examination, had met to arraign the conduct of those who found it their duty to acquit one who was accused. He never till now heard of condemning the Commons in this manner, for the exercise of their duty in an acquittal. He could not conceive how

those who called themselves the great friends of the country could reconcile it to their feelings to degrade the character of the House of Commons.

The Hon. Mr. C. Hutchinson had not attended any of the public meetings, and from his habits of life it was not likely he should attend them; but he joined in expressions of surprize at the language he had heard. If such language was correct, he should suppose that the House of Commons had nothing to do with the people, but were of their own creation. If the tendency of the doctrines he had lately heard were encouraged and acted upon, it would be over with the liberties of the country, and he should account his being sent to Parliament not an honour but a degradation. If it were thought just and expedient to attack the meetings of the public, it would be better at once to vote the constitution at an end. The charges that were made were not true. He conceived it to be a public duty to obtain reform in every constitutional way.

Mr. W. Wynne thought the motion irregular, as it contained no specific charge, nor had been introduced with any detail of circumstances or statement of facts.

The question being put, the motion was negatived without a division.

A conversation occurred respecting the entering into the charge immediately, (the Chancellor of the Exchequer and Lord Castlereagh having returned and taken their places.) The Speaker thought that having been disposed of for the present, it could not come on as a matter of course that night.

Some observations fell from Mr. Madocks, Mr. Secretary Canning, Sir John Anstruther, and Mr. Whitbread, about the day for preferring the charges. Mr. H. Mar in declining to postpone his motion beyond Monday next, in which he was supported by Mr. G. Ponsonby, Thursday next was at length fixed on.

CHELSEA COLLEGE.

Sir Oswald Mosely began by saying he anticipated some opposition to the motion of which he had given notice. The idea of building the infirmary in an airy situation was suggested first by Dr. Mosely; and the lands in question, of which Lord Yarborough was then tenant, were purchased for this purpose. Very shortly indeed after

the purchase had been made by government, and before the surveyors had made their report, application was made by Colonel Gordon to become tenant to part of the lands. The report of the surveyors was, that the annual value of the part taken by Colonel Gordon was much diminished by having an infirmary built so near it. If this nuisance, however, was so great, he would ask, why Col. Gordon was so early in his application, or why he chose that spot? He must object to the whole transaction upon two grounds. The first was, that he thought these lands ought not to have been leased at all to any individual; and his second objection was, that they were let on terms very inadequate to the real value. As to his first objection, he believed that it would now be confessed universally that a saving of 55*l.* per annum was no object to be put in comparison with the health and comfort of our old veterans. The situation that had been fixed upon for Colonel Gordon's house, would certainly never have been altered, if it had not been for the notice which had been first taken of the subject in that House by the honourable baronet (Sir F. Burdett). It had been stated, somewhat inaccurately, that the whole of this ground had been purchased from Lord Yarborough, whereas, in fact, part of it had belonged to the hospital, and had been much dilapidated by what was called the improvements of Colonel Gordon. When the surveyors calculated in their report that Colonel Gordon was entitled to get at least six pounds per cent. on the 4,500*l.* he was found to expend, it did not, however, appear to him, that the surveyors had taken into their calculation what it was that the public were to gain upon this transaction. By some papers that were circulated by the friends of Col. Gordon, it was stated, that he was at a most immense expence in keeping up a wall, which he was bound by his contract to keep in repair, and that this wall was to him like a pit that swallowed up the whole produce of the land. He was however informed, that as to the vast expence of keeping up this wall, there were many builders in this town that would be very ready to keep it in repair for ten pounds per annum. If Colonel Gordon was really to be annoyed at the sight of old soldiers taking the air, he could not conceive why he chose to take those premises. He had made inquiries at Chelsea about the value of ground, and he was informed that many gardeners would have given 20*l.* an acre for such ground, even if it had not the advantage of being on the river. It

appeared therefore that any common gardener would have given 80*l.* a year for what Colonel Gordon gave but 5*l.* Colonel Gordon might, as soon as he got the lease, have let it out at profit. If the value of the land was said to be so depreciated from the contiguity of the infirmary, was not that a reason for not separating the land from the building? At present the building gave more the idea of the damp vaults of a secluded prison than of an airy and comfortable dwelling for invalids. He should much rather see the old soldier walking about those grounds and smoking his pipe there, than see all the improvements which Colonel Gordon could make there. As to Colonel Gordon personally, he did not mean to say that he, from his long services, was not as much entitled to any favour as another officer; but he would say that these grounds ought not to have been taken away from the infirmary to be given to any individual. He was ready to prove at the bar, that most of the officers at Chelsea remonstrated against this transaction, but that the governor persisted. He should only wish to call a few witnesses to the bar. The honourable baronet here mentioned the names of Sir David Dundas, Dr. Mosely, Mr. Fordyce, and nine or ten other gentlemen, being medical men, surveyors, or architects. He concluded by moving, "that a Committee be appointed to investigate certain transactions respecting the building of the new infirmary at Chelsea."

The Chancellor of the Exchequer said, that whatever wish gentlemen might have to proceed further in this inquiry, he could hardly suppose them serious in proposing to call witnesses to the bar, and to consume much of the time of the House on a business of this nature. If it were necessary to leave the further consideration of such a business to a Committee, the inquiry should be left to a select Committee, and the time of the House should not be wasted by a long examination of witnesses. He hoped, however, that they would not think any further proceeding necessary when they should hear the statement he had to make. The case had since been inquired into, both by the governors of Chelsea Hospital and the treasury; and on a communication with Colonel Gordon, he expressed himself very ready to extend the space towards the infirmary. The governors of Chelsea Hospital had afterwards thought that it would be ad-

visable to make other additions to the infirmary, and that perhaps they might want the whole of the ground, and they therefore wrote to the treasury to know whether the contract with Colonel Gordon was so concluded as to prevent this. The treasury wrote back to them in answer, that the contract was in such a situation, that they conceived Colonel Gordon had an equitable title to a lease from them. He was convinced that if such a contract had existed between individuals, a court of equity would have decreed the performance of it, and that a lease should be executed. It was, however, now settled, that other surveyors and other physicians should be called upon to give their report; and if their report should be, that those grounds were necessary for the infirmary, government would certainly endeavour to prevail on Colonel Gordon to give them up. There could certainly in this case be no sort of blame attached to ministers for judging, not with their own eyes, but with the eyes of men who knew the value of lands, and were sworn surveyors. The inquiry was certainly one that would be beneath the dignity of the House to maintain at their bar. The honourable baronet had said, that the examination would be very short, and yet he had given in a list of ten or eleven witnesses. It would be evidently wasting the time of the House to have all those witnesses examined at the bar.

Mr. Biddulph pointed out several objections to the items in the account of the surveyors, and supported the arguments of the honourable mover.

Lord Milton agreed with the right honourable gentleman (the Chancellor of the Exchequer) that it would be beneath the dignity of the House, to resolve itself into a Committee of the whole House, and hear witnesses at their bar on such a subject as this. The principal object of his rising was, that a noble friend of his (Lord Yarborough) had felt himself excessively hurt at the representations that had been made of his conduct. It would be thought by some people that his lordship had made a sort of Jewish bargain with the government. The fact was, that being in possession of those lands as tenant of the crown, Lord Yarborough applied to government, in the year, 1805, for a renewal of the lease, but was told that the ground would probably be wanted for an infir-

mary. Lord Yarborough felt the force of this objection, and never applied again for the renewal, but offered it to government immediately, there being seventeen years of the lease unexpired. It was then left to surveyors to estimate the value, and those surveyors differed very much, one valuing it at 2000*l.* and the other at 8000*l.* At length a surveyor valued it at 4700*l.* which, although it appeared too small a valuation, both to Lord Yarborough and to his friend Sir Joseph Banks, who advised him not to take it, yet his lordship resolved to give it to government on those terms. Now it appeared hard, and something like a job, that the lease of those grounds, which could not be renewed to Lord Yarborough, for the reason then assigned, should be, so soon after the surrender by him, given to Colonel Gordon.

Mr. Hustisson said, that in whatever observation he had made with respect to Lord Yarborough, it certainly was never his intention to throw any sort of reflection on the conduct of that noble lord, but merely to vindicate the government from the imputation of having obtained those grounds from Lord Yarborough under false pretences. The fact was, that the bargain was fair on both sides. If the surveyors differed so widely in their report, the one valuing it at 8000*l.* and the other at only 2000*l.* the reason was, the surveyor who set the larger value on it, conceived that Lord Yarborough had a right to let it out on building leases. From all the information he had upon the subject, he must deny that government had made any conditions about what they were to do with the ground when they bought it, and the only condition that he knew of was paying a fair price for it. As for the application of Lord Yarborough to government to get a renewal of the lease, there was not in the treasury any evidence or trace of such an application ever having been made.

General Tarleton spoke at some length on the propriety of granting every comfort and indulgence to old worn-out soldiers, who only got admittance into Chelsea Hospital from their long services, their wounds, and their constitutions being worn out in the service of their country. If the nation chose to build palaces for these discharged veterans, ornamented gardens should go along with the palaces; and the old soldier should not be prevented from walking in them. It would be a pleasing

sight to the young as well as to the old to see the worn-out soldier enjoying all the comforts which the liberality of this country designed for them. He thought the honourable baronet (Sir F. Burdett) had therefore great merit in bringing this subject before the consideration of the House.

Colonel Wood said, he did not rise to prolong the debate. (*A laugh.*) It was not his intention to have said a word on the subject, but for some insinuations used by the honourable baronet who made the motion against Colonel Gordon. That gallant officer had been many years in the most active service in every quarter of the globe—deservedly had obtained a place of great trust, but, in executing the arduous duties of it, he had in a manner secluded himself from society; and whatever some gentlemen might think, he was sure Colonel Gordon would be one of the last men in England who would desire to have any advantage at the expence of the pensioners of Chelsea Hospital.

Sir Francis Burdett said, that with respect to the bargain, so far as it affected the public, it was an absolute job. The pensioners were to be immured to give advantage to Colonel Gordon's pleasure-grounds; and though, according to the speech of the honourable gentleman who had just sat down, that officer would not take advantage of the soldier, he seemed to have no objection to take advantage of the ground. This was, in his opinion, the only spot in England fit for the purpose of an infirmary for the hospital, and he would be happy to give double the sum Colonel Gordon was to pay for it, and secure it on any of his estates, for the sole purpose of giving it up to the hospital, rather than this monument of national munificence should be disfigured. He thought this the greatest job he had ever heard of; it was a job of all jobs, and ought to be distinguished by the name of the job We heard every day of barometers, thermometers, and chronometers, and this should be called the jobometer. As to the papers he would not go into them. Dr. Mosely desired the whole of the premises. Mr. Aust, in his letter, says, part may be granted; and in that division Col. Gordon got about sixteen parts out of nineteen. Some gentlemen had talked of the expence of a wall; but they did not mention, that if it was not for Colonel Gordon, that wall would not be wanting! He thought the pensioners were

very ill used in many respects. There was a very fine large public terrace, but the old soldiers were never suffered to set a foot on it; they were totally excluded from it: and as to the garden, not a single leek were the poor pensioners permitted to take to make their porridge with. He could not see such transactions going forward without taking notice of them. He felt it to be an imperious duty which compelled him to aim at their correction. He had no doubt but, in these demure times, the cry would be raised against him. He did not know by what name he should be assailed; jacobin, he supposed, was grown too stale, and worn out, and gentlemen began to be ashamed of it; but it signified not to him what it was; he would wear any name that went along with the reformation of abuses. With respect to the motion, he had no doubt but his honourable friend who brought it forward, would agree to take a select Committee, instead of an open Committee of the whole House; and as there were further papers to be produced, they might be referred to the said Committee.

Mr. Yorke spoke with considerable warmth against the motion.

Mr. W. Smith said, that in looking over the papers, he thought government must have been imposed on. He would not suppose they were capable of making such a disposition, as to give it the colour of a job, and yet from the whole of the valuation of the surveyors, it certainly bore something of that appearance. The house of Mrs. Aufrere, which was to be converted into an infirmary, was valued, with the small piece of land adjoining it, at 6,38*l.*; and the remaining land, which was four acres, was let for 55*l.* a year. It was with considerable astonishment he had read the report, and he never could have supposed it to be one drawn up on the part of the public but on the part of a lessee, who was stating every thing he could for his own interest. Respecting what fell from the Chancellor of the Exchequer, as to prevailing with Colonel Gordon to give up the grant, if any fraud or delusion had been practised on the treasury, he thought it would be like the case of a minor's estate, in which, where fraud or delusion was used, a court of equity would set aside the agreement made by trustees: so, in this instance, if fraud or delusion by any one appeared, the House might interfere, and prevent the completion of the grant.

The Chancellor of the Exchequer explained, and said he never supposed there was any fraud or delusion; but that if on inquiry it should be found a desirable thing, and that, on the new plan of Mr. Soane, the hospital would be benefited by it, the treasury would endeavour to get the grant relinquished.

Mr. Long said the board never heard a word of complaint on this subject till the 13th of April, till the morning of the very day on which the honourable baronet first brought the matter before the House, and they immediately began an investigation of the subject, and had continued their inquiries ever since. It had been said no individual ought to have this ground, but that it should be converted to the general use of the hospital. He thought so as much as any one, and no man would be more ready to put it to that use, if proved to be advantageous to the hospital. He wished the minutes of evidence taken before the board since the 13th of April should be laid before the House. They would then see what had been done. As soon as this motion was negatived, he should move that those minutes of evidence be laid before the House, and if after they had seen those and the other papers which his right honourable friend (Mr. Perceval) meant to bring forward, the House should not be satisfied, they might then have recourse to a select Committee.

Mr. Wortly said a few words against the motion.

Sir O. Mosely replied shortly to the many observations made against his motion. It had been said the case had not been made out. He owned it; but he pledged himself, if a select Committee were granted, to prove the case fully to the satisfaction of the House. He had heard that some gentleman had offered Colonel Gordon 4000*l.* for his bargain. He would advise the treasury to vacate the grant, and take the offer for the advantage of the public. He did not mean to impute blame to government or Colonel Gordon; but he was sure there must be blame somewhere, and wished to find where and with whom it lay. A Committee was the only way in which this could be properly effected, and if the House acceded to his motion, he would take a select Committee rather than a Committee of the whole House.

A division then took place,

Ayes 73.—Noes 170.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 8.

Their lordships appointed to-morrow se'nnight to hear counsel on the writ of error in the case of Hart and White.

SCOTS JUDICATURE BILL.

On this bill being reported from the Committee,

Lord Grenville rose, and expressed his surprise at the silent manner in which this bill had been introduced into the House, and passed through its stages. It was a bill of the greater importance, and one that ought not to be smuggled through the House. The object of the bill was to extend the period already fixed by Parliament for the report of the commissioners nominated to inquire into and report to that House the amendments practicable in the administration of justice in Scotland, and particularly to report upon the great question of extending the benefits of trial by jury in civil as well as criminal cases in that part of the island. These commissioners were bound to report from time to time, and to make their final report by the 12th of November, 1809. But as yet he was in perfect ignorance of their proceedings, as their lordships had received no report whatever from them. It was of importance to know what was the great difficulty that stood in the way of the duties Parliament appointed them to perform, and whether they had really been negligent or indisposed, or whether it was the fault of the king's secretary of state, who had not laid these reports from time to time on their lordships' table. A noble and learned lord, who was the predecessor of the noble and learned lord on the woolsack, and whom his majesty had been advised to appoint one of the commissioners, and whose great talents were an ornament to that House or any other place, and whose assistance in every instance must be great and beneficial, that noble and learned lord, notwithstanding his particular connection with, and knowledge of, the northern part of the island, did not, till yesterday, know any thing of this bill which had come so unobservedly and strangely into that House. He was sure that that noble lord would do his duty as a commissioner, and so he could say of another person named in that commission. The great majority of the commission his lordship was not ac-

quainted with, nor even knew their persons. But it was desirable and necessary to know what they had done, for if this bill were passed without comment, they might come next session very probably requesting farther delay. He thought that those who had taken an active part in the proposed ameliorations in the administration of Scottish jurisprudence, were not treated with all that respect which was the usual courtesy of one noble lord to others, when they had no notice or intimation whatever of such a bill being about to be brought forward. He desired, therefore, to know what proceedings had already been had by those commissioners, before he could consent, in the very teeth of the conditions of their appointment, and without a single reason assigned, to this dangerous delay. It was desirable to know what disposition the commissioners had to perform their duties. The noble and learned Lord on the woolsack gave hopes to the House that reports would be presented from time to time; but the House did not stand, towards those commissioners, upon the mere assertion or promise of the noble and learned lord. On the contrary, the House had embodied its wishes into the very legislative measure from which the commissioners derived their existence as such. After many other observations delivered with considerable animation, his lordship intimated his intention to move something on the subject, in order to learn what the commissioners had done, and the real state of their inquiries.

The Lord Chancellor, after some comments upon the manner of the noble baron in making his remarks, stated reasons for the delay proposed. When he advised the nomination that took place, he was acting in the way which he thought best for the purpose. He had recommended the names of those who were judges, or else barristers of great practice in Westminster-Hall. The same course he had pursued with respect to the lords and the advocates in the court of session. Now it happened inevitably, that these persons resided at a great distance from each other, and that they had not those facilities that ensued from meeting all together in one common place; hence their communications must be much less prompt and frequent, and as so much must take place by written correspondence, it was absolutely impossible to be so quick as some persons might wish or expect. A great deal of information was wanted on a subject where the question

ance of the changing a part of the ancient laws. The noble and learned lord alluded to, and who was not in the House (Lord Erskine) he had known so long, that he was sure he would not have thanked the noble baron, for the censure he had pronounced on his (the Lord Chancellor's) conduct. The noble and learned lord made some observations upon the noble baron's charge of smuggling in the bill, which his lordship denied; as also upon the want of attention to himself, of which he appeared to complain. His lordship believed that he was not likely to be accused of shewing a want of attention to any noble lord, and he could hardly have imagined the possibility of such a charge.

Lord Redesdale stated various reasons for the prelongation of the existence of the commission, and commented in strong terms upon the imputations thrown by the noble baron on some of the most respectable characters of the country. It was not fair or just to condemn the commissioners, and to assume that they had no wish to discharge their duty.

The Lord Chancellor and Lord Grenville explained mutually several times, after which the bill was ordered to be recommitted for Friday next.

Lord Grenville moved first for an address to his majesty, praying that the proceedings of the Committee might be laid before the House, which, after some conversation, was changed for a resolution agreed to, *nem con.* that the commissioners should inform the House what progress they have made up to the present day.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 8.

Alderman Combe, pursuant to leave obtained, presented a bill for the indemnification of printers and booksellers who have inadvertently omitted to affix their names to books and papers printed by them, in the manner by law directed. It was read the first time and ordered for the second reading to-morrow.

Mr. Secretary Canning communicated to the House a message from his majesty, purporting, that his majesty, thought it right to acquaint the House of Commons, that his majesty's ally, the Prince Regent of Portugal, had

applied to his majesty for permission to negotiate a loan in this country for the sum of 600,000*l.* in order to liquidate the like sum which his majesty had advanced to his royal highness to facilitate his conveyance to the Brazils, and for other services. That his majesty had promised the Prince Regent to communicate his request to the House of Commons; and had thought proper to make the communication at the present time, before the House should have finally voted the supplies of the year. A convention had been entered into between his majesty's government upon this subject, whereby the principal and interest of the said loan is to be secured upon the revenues of Madeira; a copy of which convention his majesty would order to be laid before the House as soon as ratified.—His majesty's message was referred to the Committee of supply on Friday next.

FAMILY OF GENERAL MOORE.

Lord Morpeth rose and observed, that it was a matter of public regret that the females of that gallant general's family were not provided for in such manner as could be wished; and requested to know whether any measure had been taken for that purpose, in consequence of what had fallen from the noble Lord (Castlereagh) on a former night.

Mr. Perceval answered, it was certainly the intention of government to make the kind of provision now alluded to by the noble lord; but on this being intimated to the females of General Moore's family, they expressed a wish that any provision intended for them might be transferred to a male branch of their family; and it was therefore the intention of his majesty's ministers to recommend that the provision be made for the brother of Sir *John* Moore, whom the rest of the family wished to receive it.

Lord Milton brought forward his promised motion, for enabling judges to try civil causes within their own counties.

Mr. Wilberforce seconded the motion, and leave was given.

BUDGET.

The Chancellor of the Exchequer gave notice, that in the Committee of ways and means on Friday next, he

should bring forward the statement of the ways and means of the year.

THIRD REPORT OF THE FINANCE COMMITTEE.

Mr. Martin rose, in pursuance of his notice, to call the attention of the House to the contents of the third report of the Committee on public offices. Though aware, that in bringing this subject under the consideration of Parliament, he was but barely doing a duty, yet if the honourable gentleman (Mr. Bankes) who had taken so large a part in framing the report in the Committee, had shown any disposition to take up the question, or if his majesty's ministers had, since the commencement of the present session, manifested any intention to bring forward any measures with a view to act upon the suggestions of the report, he should not have thought of interfering with it. He should therefore be exempt from the odium of bringing forward the subject unseasonably, because the resolutions which he meant to propose would have a tendency to assist in carrying the resolutions of that House into effect, and to comply with the recommendations given by his majesty in various speeches from the throne. The House in passing the resolutions to which he adverted and in appointing the Committee, had given a pledge to the public to prosecute a reform in the public expenditure, such as was consistent with the public service, for he could not suppose, that the only use for which Committees were appointed was to make reports, without leading to any reform of the abuses which might be detected. The appointment of the Committee, therefore, was a pledge on the part of the House, that every reform would be promoted which could be effected without detriment to the public expenditure. It would be for the House then to see what the report contained, and to judge how the suggestions it recommended could be acted upon for the public service. The report referred to pensions, sinecures, offices performed by deputy, and compensations for pensions, the annual amount of which exceed one million and a half. This was the state of the fact, as appeared from the report; and as several other offices had not been returned, and the sum inserted in the report was exclusive of the duchy of Lancaster, which, in the language of Mr. Burke, though not affording a revenue of more than four or five thousand pounds, gave rise to a patronage of

fifty thousand pounds, it would be obvious, that the aggregate was under the real amount. He was not prepared to state, that by any measures he could propose, any considerable portion of this sum could be reduced. But when they were hourly called upon to augment the public burthens, when they reflected upon the enormous increase of the public debt within the last six years, they would be convinced that the subject was deserving of the most serious attention, and that it was most desirable, if possible, to make every practicable retrenchment in this expenditure. Of the whole sum, about 650,000*l.* appeared to him actually necessary; but as to the remainder, he conceived it to be the bounden duty of the House, to inquire what reduction could be made upon it. Whatever was necessary for the support of the royal family, whatever was necessary for the comfort and splendour of the different branches of that family; whatever had been secured by Parliamentary grant for eminent public services; all this, so long as it was possible to raise it, he considered, not only unexceptionable, but actually necessary for the well being of the state. But when the House recollected, that the whole of the sum so expended was raised by public taxes, or indirect means of revenue, it would feel the propriety of examining into the amount of saving, that could be procured on the aggregate amount of this branch of the public expenditure. He was ready to admit, and it would appear by the resolutions with which he meant to conclude, that no great immediate saving was to be effected. But an essential benefit must result from the effect that would be produced on the public mind, by shewing that there existed a sincere disposition in that House, to make all the retrenchments that were compatible with the public service. He was not one of those who regulated their public conduct, or would resort to any particular measures,

> Arbitrio popularis auræ;

but when the wishes of the people were directed to a rational reform of existing abuses, he thought they ought to be attended to. What the wishes of the people were in such a case, when they tended to such a reform, Mr. Burke had described to be a warning to that House. The right honourable gentleman opposite would recollect what had taken place in 1782 on this subject. From that period

to the present time, scarce a session had elapsed without the attention of the House having been drawn to the subject. They had had reports regularly from 1786 to 1791, relating to the various branches of the public expenditure; and they had since the reports of the Committee appointed in 1796, in which the person (the Speaker) whom he had the honour to address, had presided with so much credit to himself, and exerted his talents with so much benefit to the public service: reports drawn up with so much ability, and containing throughout so much political knowledge and sound sense. The reports of 1797 recommended an inquiry by that House, what retrenchments could be made in this particular branch of the public expenditure. But what had been the consequence? He was ready to admit, that a few offices of the customs had been abolished, yet how much had the remaining suggestions of this report been neglected, when not a step had been taken to carry them into effect? The report of 1796 referred to the offices and sinecures in the courts of justice, and as it appeared by that report, the Committee recommended the abolition of offices of that description to the amount of 28,179*l.* per annum. It was curious too to remark that Lord Hale, that most eminent judicial authority, had also long previously recommended the abolition of such offices. Yet, so far were the suggestions of the report from having been attended to, that he observed by the return of places granted in reversion, that even since the report had been presented to the House, one of the offices of the description recommended to be abolished, had been granted in reversion, after the demise of the person at present in possession of it. Parliament, however, had a good opportunity for carrying into effect the recommendations of the report by the abolition of such offices, when they made a provision for retiring judges and chancellors. The provision so made might well have been made the purchase of the patronage of the judges in the appointment to those offices which were recommended to be abolished. Whoever recollected that the situations of the judges had been formerly held during pleasure: whoever called to mind that the salaries of the judges had been, from time to time, increased (though it was not his intention to disapprove of such increase, or to state, that the increase was even sufficient, yet) whoever looked to either of these events, must be sensible that the

abolition of these offices might on either occasion have been provided for. The sale of offices in the courts of justice was really a disgrace to the institutions of the country; and therefore he more earnestly hoped, that the labours of the finance Committee would prove more effectual than those of any former Committee. He was not vain enough to suppose, that the remedies he had to propose would be effectual to his object; but he trusted that it would be admitted on all hands that some remedies were necessary. He should not have thought when he reflected upon the vast increase in the public burthens, that any man could entertain an opinion hostile to the abolition of sinecures, if he had not heard that it had been asserted somewhere, that the disposal of sinecures was the royal prerogative, and that this prerogative was the palladium of the crown. He had never doubted that this was a prerogative of the crown, but contended that the legislature was competent to regulate its extent. When gentlemen considered the enormous increase of the public taxes; when they considered that the army and the navy had been augmented nearly tenfold; when they looked to the existing state of Europe, and what was likely to be the state of Europe hereafter, when even in the event of peace, we could not return to a small peace establishment; when they contemplated all these circumstances, it was impossible for them to be of opinion, that the influence of the crown would be materially diminished by the abolition of the sinecures. It appeared by the report, that the whole of the expenditure of the year in 1791, including the militia (but he admitted upon a peace establishment), amounted to 15,996,900*l.* The expenditure of the last year was 77,000,000*l.* The influence of the crown, in consequence of such an increase of expenditure, could not be much affected by the abolition of sinecures. There would still remain to the crown the legitimate patronage in the appointment to all situations, naval, military, civil, and judicial. The appointment to sinecures had been represented by Mr. Burke, as "the perennial spring of all profligality and disorder, which loaded us more than millions of our debt!"

It was to this part of the report that the House was called upon to attend. Having already stated the amount of the expenditure in sinecures, pensions, &c. he proposed next to consider it under two heads, the one such-

jectionable, the other questionable, though it was not his wish to consider what he represented questionable as objectionable. According to his view, whatever pensions were settled on the different branches of the royal family; whatever pensions were charged upon the consolidated fund, and secured by act of parliament; whatever pensions were charged upon the civil list, and regulated by Mr. Burke's act, should be left altogether out of consideration as unobjectionable. Of the same description he considered the pensions to officers' widows; the provision for superannuated artificers; and for men retiring from office after long and faithful service; and he should leave them also out of view. The whole account, under these various heads, was 697,740*l.* in England. As to the sinecures and allowances by way of pensions, and pensions not regulated by Mr. Burke's bill, he considered them as questionable, and proposed to take a view of them first in England, then in Scotland, and afterwards in Ireland. The first of the pensions which he regarded as questionable, came under the head of pensions to foreign ministers. In the year 1789 the amount of these pensions was 9,185*l.* but it was now, as appeared by the report, as high as 51,689*l.* besides some contingent pensions and others included in the report; but whether any others had been granted since the report was presented, he could not take upon him to state. A great increase had therefore taken place under this head. By Mr. Burke's bill it was proposed to reduce the pension list to 60,000*l.* but that limit was afterwards extended to 95,000*l.* so that the pensions to foreign ministers had increased to more than one half of the whole pension list, according to the provisions of Mr. Burke's bill. This was a subject which called for the serious attention of the House.

Another class of pensions to which he thought it right to direct the consideration of parliament, as questionable, was that of pensions granted out of the four and a half per cents. It was not his intention, however, to propose any resolution to the House upon this head, because it might probably be taken up by his majesty's ministers; and if not, it was his intention to proceed in the most respectful manner towards his majesty, by moving an humble address upon the subject. These duties of 4½ per cent. had been granted by an act of the assembly of Barbadoes, after the restoration in 1663, and appropriated for the pay-

ment of their civil establishments, and other expences of the government of that island. They had afterwards been transferred to the civil list, but as appeared by the journals, vol. 14, the House had addressed her majesty upon petitions from the assembly of Barbadoes, and her majesty replied, "That these duties having been granted specially for particular purposes, should make no part of her civil list." But to prove that the House had a right to interfere on the subject, he referred to the army extraordinaries, where they would find provision uniformly made for those services to which these duties had been formerly appropriated. The public had a right, therefore, to these duties as purchasers, having defrayed the expenditure to which they were applied. Another ground, too, why the application to his majesty on this subject could not be considered an interference with his prerogative was, that pensions charged upon these duties to the amount of 9000*l.* in 1785, had, in consequence of their being then overloaded, been transferred to the consolidated fund.

The next class of pensions which he considered as questionable, and proposed to call the attention of the House, was those issued out of the treasury fee fund, out of the establishments of the different offices, and those created by way of addition to the establishment. Another head of pensions which he looked upon as questionable was, that of those granted in the shape of pensions or allowances out of the ordinaries of the navy to officers retiring from the service. No man could contend that a provision should not be made for officers under such circumstances, but it was the manner in which the thing was done that called for attention. That House had never proved backward to remunerate meritorious offices; they had never refused any application for that purpose. But it was the manner in which that object was now attained that he complained of, as leading to abuses; because it enabled the heads of departments to superannuate whom they pleased; not by an order of his majesty in council, not by warrant under the sign-manual, but by virtue of a power executed by the heads of departments to grant pensions to whoever they thought proper. To correct this practice, therefore, could not be to interfere with the king's prerogative.

There was also a class of pensions granted under the sign-manual, which, because greater in amount, was a

greater grievance. This class was supported out of the funds produced by old stores. It was impossible that when naval stores had been granted for the public service, they should cease to be the property of the public, or become a source of revenue to his majesty. Upon this head, therefore, it was his intention to propose a specific resolution, in order to prevent in future such a misappropriation of a public fund. It would be quite another question, how the persons now provided for from that fund should be otherwise provided for; but the practice was unconstitutional, and should be put an end to. There was one head denominated allowances in the nature of pensions which so much resembled pensions, that he could not distinguish them; and if this denomination had been adopted with a view to get rid of the limitation of the pension list imposed by Mr. Burke's bill, he was sure the House would feel the necessity of putting a stop to, or at least of establishing some limit to the practice. The amount of these pensions out of the royal bounty, out of the fee funds, out of the ordinance allowance, and out of the Lord Chamberlain's office, exceeded 56,700*l.*, whilst the allowances in the nature of pensions, of the same description charged upon the civil list, amounted to 42,000*l.*, making together nearly 99,000*l*; being more than it was possible to have granted under the provisions of Mr. Burke's bill.

He came next to a most important head, that of sinecures and offices executed by deputy, which in England alone amounted to 272,355*l.* In the colonies there were several which had not been returned, and consequently it was evident that the sum stated in the report must be less than the actual expenditure under this head. This sum included all the offices under the head of sinecures, and those of the courts of law. But it was not his intention to submit any resolution upon the subject that could immediately affect the interests of those who hold these offices. He could not, however, avoid calling the attention of the House to a passage of a report which had been made by a Committee upon offices of this description, towards the close of Lord North's administration. The passage stated, that where *bona fide* duties were attached to an office, it became a freehold to the possessor if he held it for life, but if he derived a stipend only from the office, without any duty to perform, it could not be

considered a freehold. The report too added, that it was the maxim of our ancestors that when an office became a sinecure, it was in fact vacated. The report added, that in such times (a time when the whole of the expenditure of the country did not exceed fifteen millions) it was the duty of parliament to make every possible retrenchment in the public expenditure. Whatever reasons could apply to such times must apply with double force to the present times. Thus he had gone through the principal heads to which it was his wish to call the attention of the House upon the subject of sinecures, pensions, and offices executed by deputy.

With respect to Scotland and Ireland, the amount under the various heads to which he had adverted was of less value, but unquestionably not less deserving the consideration of parliament. The amount of pensions in Scotland was at present 39,600*l.* but with a view to enable the House to judge of the extent to which it had been carried, he had to state, that at the accession of his present majesty it was of little value, the payment of pensions in that country not originally exceeding 5,940*l.* He did not find, however, that the increase had been applied to the personal benefit of the sovereign; but still thought the very great increase under this head worthy the attention of that House. The amount of offices executed by deputy was not less than 29,800*l.* Of these he was aware, that some were preserved by the act of Union, but those were few in number; and every thing he had said with respect to places of that description in England, was applicable to those in Scotland. He did not mean, however, to move any resolution upon this head, any more than with respect to the pensions out of the four and a half per cents. His wish would be to propose an humble address to his majesty, that he would be graciously pleased not to grant pensions to a larger amount than 600*l.* in any one year in Scotland, until the whole should be reduced to 10,000*l.* at which it should remain, being double what it was originally; whilst the remainder he should propose to be carried to the civil list.

As to Ireland, that country was far more fruitful in the amount of pensions and allowances secured by act of parliament. By the papers on the table, it appeared, that the present amount, under the head of pensions, exceeded the amount limited by the act by 10,000*l.*; but as it ap-

peared, that by a clause in the act his majesty was authorized to grant to the amount of 1200*l.* in each year, he feared there could be no remedy for that excess, until an act should be passed to amend the former act. The sum granted as compensation for those who lost offices by the Union was 93,475*l.* This was well worth the attention of the House, because many of those thus compensated must have held offices during pleasure, and could not have the same claim to compensation with those who held offices for life. He did not mean to touch any of those pensions, which had been granted by act of parliament; but he proposed to provide for their publicity, by having the accounts regularly produced to parliament. The publicity that would thus be given to the circumstances, and the amount of compensation granted to persons retiring from office, would remove the inducement to retire, which the secrecy in which such transactions have hitherto been managed held out; and upon this head he should wish to apply the same regulations to Ireland, which he meant to propose for England. He had here to refer to a practice which was prevalent in Ireland, and which had been sanctioned by a construction put upon a clause allowing persons to retire after 25 years service, with full salaries. By this construction, a clause, which was meant only to allow of the party returning under special circumstances, it was claimed as a right that the party could retire, though in the prime of life, and most fit for the situation. With a view to this practice, it was his intention to move a resolution to require, that in all cases of officers retiring, a statement should be made of the amount of their services, and the grounds of their retiring. He had thus made a short statement of the grievances which he felt required to be remedied, and should next move the resolutions which he had to offer to the House. The honourable member then read the resolutions *seriatim*, which were only a repetition, but in a condensed form, of the ideas he had thrown out in the course of his speech, and concluded by moving, that the resolutions do lie on the table.

It was then moved by Mr. Martin, that the House should resolve itself into a Committee of the whole House this day se'nnight, to take into consideration the third report of the finance Committee.

Mr. H. Thornton rose to second the motion. He concurred most cordially in all the resolutions proposed by

the honourable gentleman; and, indeed, he was disposed to go beyond the honourable gentleman, and even the Committee on one point, namely, that relating to sinecures; for it would be in the recollection of the House, how the original report had been altered upon that head. The learned gentleman had adopted the language of the report, but it was his opinion that the House ought rather to revise the system, than to content itself with acting upon a principle which had already been recognised. It would be proper to revise the whole question respecting sinecures in order to ascertain which it might perhaps be desirable to retain. With a reservation respecting this point, he heartily coincided in all the other resolutions of the learned gentleman. The learned gentleman had however fallen into some inaccuracies, which he rose to set right. The Committee was now employed in correcting some inaccuracies into which it had fallen, by having inserted in the appendix to its report the gross instead of the net salaries. From the documents he possessed, he computed the gross amount, stated by the learned gentleman at one million and a half, to be 1,400,000*l.* one hundred thousand pounds less than the honourable gentleman had made it. Here the honourable member went into a succession of statements to shew that the whole of the floating sum expended on sinecures, &c. properly so called, did not exceed half a million. Yet that was a large sum to be placed at the discretion of the crown, and ought to be confined within narrower limits. The honourable member then strongly recommended a revision and simplification of the whole system of public accounts; because through the means of a free press, and from the more general diffusion of political knowledge, many persons out of doors had become acquainted with their affairs; and the surest mode to prevent misconception, was to systematise and simplify the expenditure and accounts in all their various branches.

The Chancellor of the Exchequer returned his thanks to the honourable gentleman (Mr. Martin) for his very fair and candid manner of making his statement, and also for allowing the House sufficient time to take the subject fully into their consideration. He was free to confess, that at the time of the meeting of parliament, he had not formed a clear idea, or at all made up his mind respecting many points touched upon by the honourable

gentleman in his statement. The House would therefore not be surprized, that since the meeting his time was so much occupied as not to be able to gain new lights on the subject. He should, however, now state, that he had the pleasure of agreeing with the honourable member in many of his points. He agreed also perfectly with what had been said by another honourable member (Mr. Thornton), that the greatest publicity should be given to every question connected with the expenditure of the country and that it should be put in such a light as to make it the most intelligible to every ordinary comprehension. This was the plan which Mr. Pitt always pursued. He contrived to disentangle the financial operations from any difficulty or obscurity, and placed them in that light that every common understanding was capable of comprehending them. The observations which the honourable member had made respecting the superannuation fund appeared to him perfectly proper, and he entirely coincided with him in the opinion that every branch of the public expenditure ought to be submitted as expeditiously as possible to the judgment of that House. He agreed with him perfectly about the propriety of keeping the two heads of navy pensions and superannuated fund distinct. He also agreed with him that the most effectual mode ought to be given for carrying the old stores to the credit of the public. As for general charges respecting want of economy in the public expenditure, he would say, that he was sure that not only his majesty's present ministers, but any other set of gentlemen who might in future be ministers, would be much better economists of the public purse under the check and superintendence of Parliament, than Parliament itself would be. As to the office to which he had a reversion, he would most disinterestedly state, that he thought it among the number of those offices which might admit of regulation, according to that principle of parliament which allowed the regulation of the fees and emoluments of an office, when those emoluments far exceeded what was originally intended. He admitted that many offices in the courts of justice required regulation, and he was indeed disposed to go a considerable way in support of the ideas of the honourable gentleman. The only thing that he wished to throw out to his consideration was, whether it would be necessary to bring forward this plan in the course of the session, or

whether it would not be as well to leave it for the consideration of ministers during the recess, and wait to see how much of it could be carried into effect by ministerial regulations, without the necessity of Parliamentary enactments.

Lord H. Petty said, that after the very candid way in which the motion of his honourable friend was received by the right honourable gentleman, it was not necessary for him to make many observations. When he recollected that the whole sphere of reform and improvement, including pensions, sinecures, &c. only amounted to one fifty-second part of the whole expenditure, and that when the pensions granted to the royal family were taken from that amount, it was only an eightieth, he considered that the House would not be authorized in holding out to the people any hope of a sensible alleviation to their burdens from that source. But still the consideration was of the greatest public importance in another point of view. That any sum of public money should be given as a reward for services not performed, was a positive evil. Any unnecessary increase of the influence of the crown by such means was also a positive and serious evil.

As to the sinecure places, he believed that every system must admit the principle of public reward for public services, and the only question was, whether sinecure places were the best means of rewarding those services, and whether the amount of those sinecures did not exceed the fair measure of reward for such services. In any plan for doing away sinecure places, some substitute must be offered as a fund for rewarding public services. He differed with the Chancellor of the Exchequer in one point. He was of opinion that the consideration of this plan ought not to lie over to another session, but that if Parliament approved of the plan which was presented to them, they should express their approbation by giving it the authority of a legislative enactment in the course of the present session.

Mr. Rose said, that as to the charge for the Duke of Gloucester, this sum had been charged upon the 4½ per cent. duties. These duties, however, produced only 20,000*l.* per annum, and there was charged on them no less a sum than 28,000*l.* There was soon an arrear of debt not less than 50,000*l.* and Parliament then thought

a right to redeem this particular charge, and place it on the consolidated fund.

Mr. Creevey said, that in the administration of Mr. Pitt, the relations of that gentleman, men, women, and children, had places of six, twelve, and fifteen hundred a year. Mr. Long had a pension of 1500*l.* per annum, besides a house and other establishments, although by Mr. Burke's bill no greater pension than 1200*l.* a year could be given out of that fund to any person not of the blood royal.

Mr. Ellison thought that if sinecure places were only given to real merit, and that they were suffered to lie dormant until some one deserved them, they might be very useful; but as that was not to be expected, he thought that it would be much better to proportion the reward to be paid to the *quantum* of service done.

Mr. Peter Moore thought that it would be much better that every separate case of public service should come distinctly before the consideration of the House, as he was convinced that money grants would then be rejected with the utmost indignation that are now conferred without any notice being taken of them. As to the fondness that now prevailed for pensions and sinecures, he could not avoid relating an anecdote!—A French nobleman had once expressed a fear that the red book of England would be as ominous as the *livre rouge* of France. Such was the strange ambition which then prevailed in France, that many noblemen would consider themselves more highly honoured in having a pension of a few thousand livres from the gift of the king, than in as many thousand louis d'ors from their own estates. He feared that in England, too, it was now considered honourable to have pensions and sinecures from the public money.

The question was then put and carried unanimously, that the report of the Committee should be taken into consideration this day se'nnight.

COMMITTEE OF SUPPLY.

The House having resolved itself into a Committee of supply, passed, among others, the following votes:—

For bills on account of the colony of New South Wales £20,000

——— Civil establishment of Sierra Leone . . . 17,360

——— Upper Canada 8,430

For bills on account of New Brunswick - - 5,500
——— Nova Scotia - - - - 10,100
——— St. John's - - - - - 3,100
——— Cape Breton - - - - 3,060
——— Newfoundland - - - - 1,985
——— Bahama Islands - - - - 3,700
——— Bermudas - - - - - 1,040
——— Civil government of New South Wales 15,140

These resolutions being agreed to, the report was ordered to be received to-morrow.

The newspaper duty discount bill was read a third time, and passed.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 9.

Lord Liverpool moved the order of the day for taking into consideration his majesty's message, relative to the proposed loan to the prince regent of Portugal. His lordship briefly stated the circumstances under which it became advisable to procure the guarantee of parliament to the proposed loan of 600,000*l.* at the present moment; though some time must necessarily elapse before the convention concluded with the Portuguese ministers here, for the repayment, and assigning the revenues of Madeira as the security, could be returned from the Brazils with the ratification of the prince regent. At the time of the embarkation of the prince and his court from Lisbon, an advance had been made to him through the medium of Lord Strangford of about 80,000*l.*, and a second advance to an equal amount had been since made. Of this sum about 30,000*l.* had been charged in the army extraordinaries, having been incurred in consequence of orders from the British government to afford every degree of facility to such of the Portuguese as were desirous of following the fortunes of their sovereign. This sum being deducted, the remainder would be repaid out of the intended loan. His lordship concluded with moving an address expressing their lordships' readiness to concur in carrying into effect the purpose of the message.

The Duke of Norfolk said he most cordially concurred in the intended aid to our old ally, and he should wish that instead of holding out any hopes to him, in the pre-

sent state of the continent, of a return to the Tagus, that we should offer our assistance to a still greater extent, for strengthening his power in his American dominions. He did not disapprove of secret expeditions for the attainment of particular objects, but he looked with great despondency at measures which implied a perseverance in the project of wresting the peninsula from the family of Buonaparte. He was afraid the only consequence would be an useless expenditure of our blood and treasure. The only effectual mode in which we could secure ourselves, and control that power which now tyrannized over the continent, consisted in improving our means of internal defence, and cutting off all communications between the European colonies and such of the present states as were within the sphere of his influence.

In answer to a question from Lord Buckinghamshire, Lord Liverpool stated that the convention related exclusively to the subject of the loan. The address was then put, and agreed to *nem. dis.*

Lord Liverpool then moved the second reading of the militia completion bill, after briefly stating the substance of its different provisions.

After some conversation the bill was then read a second time, and ordered to be committed to-morrow.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 9.

LOTTERIES.

Mr. Whitbread observed, that, as the right hon. gentleman opposite proposed to bring forward the ways and means of the year on Friday next, and a long discussion was likely to take place this night, and on Thursday, in order that it might not appear that he wished to put any impediment in the way of the supplies, it was not his intention on that day to propose any motion relative to lotteries. He therefore begged to put off his motion on that subject till some future day, though it would have been desirable that his should have been discussed on some day previous to the opening of the budget.

EXEMPTIONS OF FOREIGNERS FROM PROPERTY TAX.

Mr. Howorth wished to ask the Chancellor of the Exchequer whether it was his intention, as part of the ways and means of the year, to take the exception from the property tax at present allowed to foreigners.

The Chancellor of the Exchequer replied in the negative.

Mr. Howorth then gave notice of a motion on the subject of these exemptions for an early day after the budget should be admitted to the House.

CAMPAIGN IN PORTUGAL AND SPAIN.

Lord Temple, in rising to submit the motion of which he had given notice, observed, that now the cabinet ministers had laid all the documents upon the table, on which they wished the House to decide upon their conduct in the management of the most important trust that had ever been confided to any ministers in direction of the most powerful resources which had at any period of our history been placed at the disposal of the government, for the purpose of assisting to promote the greatest object that had ever, in modern times, been presented for accomplishment; he conceived it to be his duty to call upon the House for a distinct opinion upon the whole of the case: and though he should be short in what he had to say, yet he felt that he should stand in need of the whole indulgence of the House; and whilst they had to lament that the efforts of the country had failed in the course of the campaign, they had enough to satisfy them that such failure was not attributable to those to whom the immediate conduct of its operations had been confided. Upon them that House had already conferred the highest honour which it was possible for a grateful country to bestow. To those, too, who fell in the contest, they had raised the proudest monument, the most lasting and enviable memorial that a just sense of the most distinguished merit could dictate, or the most eminent services deserve. On the conduct of such persons, therefore, the House was not to pronounce judgment. They were to decide upon those persons only whose misconduct was the cause why even British valour had failed of success; why the energies of freedom, and the spirit of freemen, had been ineffectual;

and by which misconduct, the last brilliant spark that lingered of the spirit of Europe had been stifled and extinguished. It was not to the army then that they were to look for the cause of the failure, nor to the commander-in-chief of that army; for to him they had bestowed the proudest monument of his conduct whilst living, and most exalted tribute when dead. And justly had they done so. Had they neglected to record the memory of his splendid services, they would have left to the enemy the grateful office of rearing a monument to his illustrious fame, on that field in which he fell in battle, whilst combating them. But it was not to the cold marble, to the lifeless monument which may have been erected, or to the distinguishing inscription it may bear, that they were to look for the character of Sir John Moore. His monument was the ground upon which he fell. That it was which bore testimony to his fame. But he had a still more enviable living monument in the breasts of those brave troops, among whom as he had ever lived, so he had terminated his glorious career. It was not to his actions, then, that they were to look for the cause of those disasters which had unfortunately attended the campaign; over his actions the tomb had closed, and who should venture, with unhallowed hands, to tear open the sanctuary of the tomb? There were two other parties to the transactions: his majesty's ministers, who had directed the operations of the campaign, and the allies at whose solicitation it had been entered upon: those allies, with whom his majesty's ministers, when they knew all the extent of the calamities in Spain, but the fatal consequences of the affair at Corunna, had concluded a treaty of alliance, without stipulating any one condition of reciprocity, a treaty unexampled in the annals of European diplomacy. But they were not then to discuss the merits of that treaty, nor whether it was not right that this country should have afforded all the assistance which her means enabled her in the support of the Spanish cause. If these allies were incapable by their own councils to guard their own interests, his majesty's ministers should not have concluded such an alliance under such circumstances. There was one excuse which might be urged in defence of his majesty's ministers—that the disasters which took place had been the result of events which it was not within the compass of human power to

resist, which no foresight could guard against. But if he could demonstrate that they had been the inevitable consequence of their incapacity; if he could prove that these disasters had arisen from any other cause, then their excuse would fall to the ground. If he attached blame any where, it was either to them, or to our allies; and ministers could not undertake to justify themselves, unless by an attack upon these allies, or their friends. If so, he should leave it to the country and to the world to decide what credit ought to be given to those who, after having so conducted, should so defend themselves. After the hurricane that had laid Europe prostrate, when the clouds that accompanied it were even bearing towards our own shores, the Spanish revolution presented an unexpected gleam of hope and restoration, not like the meteor which shines but with temporary splendour, but as the clear and steady ray that is the harbinger of an opening and auspicious dawn; not like the volcano which spreads terror, ruin, and desolation around, but like that heavenly fire which lights the way over the wilderness. Then a new day-star seemed to have arisen; and but one wish prevaded the country to promote the generous cause—but one regret was felt that we could not all participate in the glorious struggle. When under such circumstances his majesty's ministers undertook to assist Spain, if there had been any man in the country base enough to regret that the task had not been left to their political opponents, his revenge was complete. The first act consisted in the expedition to Portugal—that specimen of the noble lord's power of combination, in which general had been sent after general, in such unaccountable but rapid succession, when neither was acquainted with the plans or instructions of the other, and when the manner in which the whole had been concerted and executed had made us a mockery even to the enemy whom we had beaten. This was the first effort of his majesty's ministers; the second was the direction of the British army towards Spain. And here he must observe, that those who could not justify, but wished to excuse the convention of Cintra, founded their excuse upon the necessity of expediting the march of the British army to Spain. Even Sir A. Wellesley had asserted that if the army had been detained by the execution of military operations against the enemy in Portugal, it could not be ready to march into Spain

before December. Yet it was somewhat curious to find, that, notwithstanding that very convention, it was not till that very December that the British army was able to act in Spain. Thus it appeared, that what was apprehended as the consequence of protracted warfare in Portugal, had actually resulted from the inactivity, the want of all energy, and the gross want of foresight, on the part of his majesty's ministers. By this they had shewn, that they were as little capable of gathering the bright harvest of laurels arising from conquest, as they were of gleaning benefit from the barren field of disaster. The only proof they had given of their vigour, was the conveyance of 22,000 French troops from Portugal, to a port of France much nearer for co-operation with the French army in Spain. If Spain had been the ultimate object of the expedition, Portugal was not the point to which it should first have been directed; because Junot, who had no means of sending troops to suppress an insurrection at Badajoz, could not march to the assistance of the French in Spain; and if our expedition had been sent directly to Spain, we might afterwards accomplish an object in Portugal, without the blood it had cost in the accomplishment. The British army might have been more beneficially employed on the flanks of Spain in Catalonia and Biscay, where it might have occupied Barcelona and St. Sebastian, in which case it might have prevented the escape of Joseph Buonaparte from Spain; or the British troops should have been sent to the south of Spain, where they might have taken post with the Sierra Morena in their front, the Guadalquiver on one flank, and the arsenal and fortress of Cadiz in their rear, besides our own impregnable position at Gibraltar. It appeared that ministers had sent the army to the south when they ought to have sent it to the north, and to the north when they should have sent it to the south. His object, therefore, was to prove that they had shewn them unable to execute their own projects. The noble lord then took a view of the state of Spain in the last summer; when applications for assistance had been made by some of the provinces in May; Dupont had surrendered in July, and Joseph Buonaparte had quitted Madrid about the first of August. On the 4th of September, too, the Emperor Napoleon, not disguising his views, had declared, in his message to his senate, his intention to conquer Spain, and thanked

his God, his fortune, and his star, that the madness of the British cabinet had sent an army to encounter him in Spain. The French ruler then poured in his troops, in one continual uninterrupted stream, from the Rhine to the Vistula, into Spain. It was not, however, till September, that his majesty's ministers communicated first their intention to Sir Hew Dalrymple to march a British force into Spain. If they had been deceived by diminished statements of the French force, and exaggerated accounts of the Spanish armies received from Spain, they might have had some excuse; but the contrary was the fact, as appeared from the dispatches from Lord William Bentinck. There were only two men, Morla, who had sold the Spanish cause, and Buonaparte, who could wish an English army to advance into Spain under the actual circumstances; that Morla, whose intrigues for the surrender of Cadiz, and the fleet and arsenal, to the French, were now well known, and who had shewn an invincible jealousy against the presence of a British force in the South of Spain, which might watch, and be a check upon his motions. The noble lord then took a view of the tardy manner in which measures had been taken for sending the British troops into Spain, both as to the army of Sir John Moore, and the force under Sir David Baird; whilst cavalry, that arm which was most wanted to act in Spain was not be sent out till the return of the transports from the Tagus. He animadverted with point on the absurdity of sending out Sir David Baird's army to Corunna, without making any communication on the subject, and added that the last division of that army had landed at Corunna on the 8th of November, only two days before two of the Spanish armies had been annihilated, and twenty-four before Buonaparte entered Madrid. No information had been sent even to Lord William Bentinck, as to the destination of the army of General Baird, and upon this point he had remonstrated. But to shew that the noble lord had not a patent for want of information and want of foresight, Mr. Secretary Cooke replied to this remonstrance, that government had no reason to believe, from Captain Kennedy's letters, that there would have been any difficulty as to the landing of the army; and yet, strange to state, on the very day this answer was dated, Mr. Secretary Cooke had received a letter from Captain Kennedy, stating the difficulty that the Junta

would place in the way of the landing of the army. How different was the conduct of the enemy! Buonaparte always flew to his object upon the wings of the eagle; whilst the noble lord crept upon the back of a tortoise to oppose him. And lest the eyes of Europe should not be open to the tardy character of his measures, the noble lord, as appeared by one of the documents upon the table, stopped suddenly short in his freezing career, and arrested the snail-like sinuosities of his course. Yet, on the 2d of November, the noble lord wrote, that Buonaparte was only to be met by correspondent efforts: and this he wrote on the day that Buonaparte commenced his career on the Ebro with 120,000 men; and only a few days before all the Spanish armies were destroyed. The instruction given by the noble lord to Sir John Moore to place himself under the command of any general that might be appointed to the command in chief of the Spanish armies, though he was only to act in concert and communication with the Spanish generals if they commanded separately, was a most extraordinary measure. The times of revolution usually raised up men to such stations, who were often not competent to fill them, as the people had deprived Castaños to appoint the Duke del Infantado, and had raised Don Palafox to the command in chief in Arragon. The merit of these individuals did not alter the nature of the case. If Morla had been appointed to the command in chief, then Sir John Moore and the British army would have been placed entirely at his disposal; and Sir John Moore could not, if ordered to march to Madrid by him in such a case, refuse compliance without disobeying his instructions from home. Such was the second act of the noble lord's drama, when Sir John Moore was at Salamanca.

He came next to consider the conduct of Mr. Frere, and he had, he trusted, duly appreciated the value of that gentleman's services and conduct. He was sure the impression they must have made, would not easily be erased from the public mind. It would be remembered how his letters had been wrung like so many drops of blood from his majesty's ministers; and the twisting, shifting, and winding that had been resorted to, in order to keep them out of the public view. At first they were represented as private; but would any gentleman now look at these

letters, and say, without blushing, that they were private? Had they the mark private upon them; and even if they had such a mark, could any man suppose that they were any thing else than a public record of the business of his mission? It had then been stated that they were unimportant; that, if produced, they would not answer the purpose for which they were called; that they contained no information that would be of the smallest advantage to the discussion. But would any man, now that, thank God, the House had got these letters, state that they were not important, or that they had not been the cause of the advance of Sir John Moore into Spain, and of the disastrous retreat which ensued? He hoped that they should not again hear that the divided state of Sir John Moore's army was to be attributed to that general. When he recollected the auspices under which the right honourable gentleman (Mr. Canning) had commenced his political career under Mr. Pitt, he would be surprized to find him casting the blame from himself upon that officer, who enjoyed Mr. Pitt's confidence, therein following the example of his colleagues, who shifted the blame uniformly upon the officers they employed. He contended that the course Sir John Moore had taken was the only one he could with propriety resort to; and it was owing to the tardy measures of government, and the difficulties presented in the line of march which he was compelled to pursue, that he found himself with a divided army in front of the enemy. Sir John Moore complained of want of communication with the Spanish generals, and want of information from the Supreme Junta; upon which Mr. Frere remonstrated, adding a little asperity of his own, in language little suited to the character of a minister at a foreign court. The noble lord then proceeded to review the conduct and character of Mr. Charmilly, who, he contended, could not have been employed in the confidential manner by Mr. Frere, as appeared by the documents, if he had not been recommended to him from home. If he had been so recommended, ministers, who now disclaimed him, were to blame; if he had not, Mr. Frere was to blame for employing a man with whose character he must have been acquainted. Yet this was the man whom Mr. Frere desired to be examined before a council of war; thereby presuming to appeal from the general to his army; and to attempt to control the judg-

ment of an officer intrusted by his sovereign with the command of a large army, by reference to the opinion of such a character. He only wondered that his majesty's ministers had not been anxious to produce this correspondence of Mr. Frere, if only to prove that there was one man in existence who would act like themselves, who had the same want of information, the same inactivity, the same want of judgment, sagacity, and foresight. It was not at all surprising that the right honourable gentleman (Mr. Canning) should wish to conceal the correspondence of a gentleman which bore such a resemblance to his own style in temper, conciliation, and urbanity, as not to be like the correspondence of any minister who had ever filled the station which either of them held. (*Hear, hear.*) The pupil sometimes rivalled and outshone the master, and analogously the right honourable gentleman might have desired to keep the merits of his friend concealed, lest they should eclipse his own. The noble lord then commented with much indignation upon the indecorous and unbecoming language of Mr. Frere, in his letter, dated Talavera la Reina, 3d of December, to Sir John Moore, as language which could not be used with propriety from one equal to another; and declared, that though Mr. Frere was the last man he could suppose capable of being intentionally false to the interests of his country, yet by his incapacity he had aided the projects of the enemy even more than they could by treason, if the consequences had not been averted by the ability of Sir John Moore.

Notwithstanding all the difficulties against which Sir John Moore had to contend, notwithstanding he had received no instructions from his government, or information from its agents, and although he had been deceived by the account of the Spanish officers, yet he was determined to put himself in the way of fortune. The march to Madrid was impossible, after the French had seized the pass of Somo Sierra; but still he conceived it would be a most important diversion for the cause of Spain, and give the patriots of the South time to prepare for fresh exertions, if he were to make a movement against the enemy in the North. This movement he made, and it produced in a great degree the effect that was calculated from it. This movement was attended with considerable danger, and the rapidity of the retreat alone

secured the remains of the army. It appeared that ministers at that time had never thought of Ferrol, the second naval arsenal of Spain; and the great accession of naval strength which the enemy had gained by that conquest was owing to the remissness of our ministers. The battle of Corunna, indeed, afforded a brilliant instance of what British valour can do under every possible discouragement. The troops, though broken down and disorganized by misfortune, supported with credit the military character of the country. It was to the ministers of this country alone that we must look for the causes of the failures in Spain. The noble lord appeared to be profoundly ignorant not only of the force that was to be resisted, of the force of the allies which were to be assisted, but also of the force which he himself had sent out. When Sir John Moore wrote to Lord Castlereagh that he had but 26,000 men, the noble lord wrote in answer, "How can you talk to me of 26,000 men, when I know you have 42,000?" The noble lord, however, was since convinced, that Sir John Moore knew the state of his army better than he did. After all the high hopes which the nation formed last year, after all the promises which government had held out, the whole effect of their measures was the loss of 8000 men and eight millions of money. Against such expeditions, and a repetition of such disasters, the country should be protected. His lordship concluded by moving a resolution to the following effect:—

"Resolved, that it appears to the House, after an attentive consideration of the various documents that have been laid before it, that a spirit of opposition to the tyranny and usurpation of France broke out in Spain in the course of the last year, and that this spirit was not properly, seasonably, and vigorously supported by his majesty's ministers; that the enemy's forces were allowed to enter into the heart of Spain before any British force was placed to oppose them, and that the British army was deficient in many essential points of preparation for the service upon which it was required."

Lord Castlereagh said, that if he had any complaint to make of the course taken by the noble lord, it was certainly not for being too pointed against his majesty's ministers. He rather regretted, that in his long speech (but certainly no longer than the subject required) the noble

lord had not put any charge so particularly prominent, as that his majesty's ministers might be able to address their observations particularly to these charges. The speech which the House had just heard was nothing more than a condensed abstract of the documents upon the table, from which a great deal of blame was inferred, but for want of any thing particularly prominent in the charge the defence was more difficult. The noble lord had, however, made great charges against him and his colleagues, for want of energy, rapidity, and vigour. These were qualities which had certainly been most eminently displayed by the administration to which the noble lord belonged. (*Loud cries of hear, hear!*) It was on this account that the noble lord and those who were members of the last administration found themselves particularly qualified to object to want of vigour and energy in his majesty's present ministers. He felt it, however, hard to be attacked for want of information by those who derived all the information upon which the attack was grounded, on facts and circumstances that were only known since that time, and which no human foresight or vigilance could have been apprized of when the measures were resolved, which were now the subject of inquiry. In the war in Spain, Great Britain had only a subordinate hand, and acted merely in the situation of an auxiliary. As to the objection of want of information, he would request of the honourable gentlemen who were to follow the noble lord in the debate, to say how they thought his majesty's ministers ought to have acted. After the sudden and unexpected burst of patriotic energy in Spain, ought the ministers of this country to have remained completely inactive until they had derived the fullest information from agents of the greatest sagacity and judgment? How long must this inactivity have continued? The noble lord seriously complained of his majesty's government, for not furnishing any plan, nor even specific instructions, until the 14th of November. It would indeed be a most absurd idea to suppose it possible, that any detailed plan could be drawn up in London for the conduct of the armies in Spain, when it must be evident that any picture that could be given in London of the affairs of Spain, must be materially altered before any plan from ministers could reach the armies. Besides the impossibility of drawing plans so far removed from the scene of action, he should also ask what right had we to

draw up plans of the campaign? Great Britain, as he had before stated, was merely acting a subordinate part in the war in Spain, and furnishing an auxiliary force. It was to the exertions of the Spaniards that success was principally to be looked for, and it was their government that should principally be consulted about drawing up plans for the campaign. The plan, however, which his majesty's ministers had always recommended, that of directing our operations to the North of Spain, was a plan which had met the approbation of all military authorities, except those military authorities who were also political characters in this country. This plan was also conformable to the direct advice of all the Spanish authorities which the government were able to consult. The Marquis de Romana in this country stated distinctly that it was in the North of Spain the British troops could act with most advantage. The Spanish ambassador was of the same opinion, and so was the General in whom the Spaniards then most relied, General Castanos. The Marquis de Romana had put his opinion in writing, and he not only recommended the North of Spain, but he pointed out that Corunna ought to be the central position of the British army, and that it was from that place that they should direct their march. Although he resolved to go from Corunna at the head of his force of 10,000 men to support Blake, yet he expressly stated that this was a service fitter for Spanish troops, and that the force he had brought was as great as the resources of that country were able to provide for. He was fully of opinion that the English troops could act with the greatest effect in one undivided force acting as a regular army. Among the persons who had objected to the course pursued by his majesty's ministers, there were scarcely two who agreed in any point. As to the idea of co-operating with the Spaniards on the coast of Catalonia, that had not escaped the attention of his majesty's ministers. They had directed Sir John Stuart to make any diversion that was in his power, and if he was not able to effect a diversion, it was from the strength of the enemy in Italy. The government had certainly been called upon to use every exertion in the cause of Spain, not merely for the deliverance of the Spanish nation from the yoke with which they were threatened, but for the deliverance of all the other European nations, inasmuch as it was in Spain that the common enemy could best be fought. The exertions of this country, he was convinced, had been of the

most important service. They had obliged France to make an exertion against Spain which otherwise she need not have done, and thereby drew off a great portion of that force which menaced Austria, and gave that power time to make its preparations. If England had not given such powerful assistance to Spain, it was highly probable that the force which the French had originally in that country would have been sufficient to have crushed its rising spirit. If France found it necessary to pour a force of 200,000 men upon Spain, this effort weakened considerably its power in other quarters, and afforded Europe another chance. If all the Spanish generals had been as true to the cause of Spain as the British government was, that country would, in all probability, be now safe. The British army had certainly performed very considerable achievements. They had freed Portugal, and afterwards performed a most laborious march from Lisbon into Spain. He had himself written a letter, dated 20th August, directing Sir Hew Dalrymple, in case of success in Portugal, to lose no time in preparing to send an army into Spain. This letter was received on the 3d of September, a short time after the convention at Cintra. If it were asked why did not the general sooner put an army in motion for Spain, he would answer that they waited until there was something of a central or general government established in Spain, with which they might act in unison. Three days after the Central Junta was known to have been formed, the British army was set in motion, and without loss of time, Sir David Baird was instructed to depart from Cork. It certainly never entered into the heads of any of his majesty's ministers, that there would be any opposition given to the landing of the British army by the Junta of Corunna. About three weeks before, the government at Corunna had sent for precisely the number of troops that Sir David Baird's army consisted of. Twelve thousand infantry and three thousand cavalry was what they applied for; and that happened to be almost exactly the force which the expedition of Sir David Baird consisted of. There was, therefore, no reason to fear that the Junta at Corunna would have been averse to the landing of the force which they had applied for. His majesty's ministers had, however, not been indifferent as to the reception of the troops at Corunna. He had written to the general commanding in Asturias, to General Broderip, who was

the nearest to Corunna, and indeed to all the generals in that neighbourhood. It was indeed natural for the Junta at Corunna to wish the British army somewhere else, and place them more immediately in contact with the enemy. The British army, however, must evidently act from motives of general policy, and not from the particular and local feelings of the Junta at Corunna. As to the British force not proceeding by sea to Corunna from Lisbon, he would ask the noble lord whether he really meant to charge him or any of his majesty's ministers with being parties to the convention of Cintra? If not, he could not suppose that he was at all answerable for the terms of a convention, by which the greater part of the British transports in the port of Lisbon were to be employed in the carrying the French troops to France. However, although transports were found for 24,000 French troops, yet Sir John Moore acknowledged in his letter, that there were enough left for 12,000 British troops, if he had not preferred the march by land. In the advance of Sir John Moore to Spain, the only difficulty which existed was, how he was to act in the manner most consistent with the plans of the Spanish generals. If there had been any one general appointed to command the Spanish armies, Sir John Moore would have put himself under his command; but as there was no particular general in whom the Spanish nation had reposed that confidence, there was nothing else to be done, but to act as well as he could in concert with those Spanish generals that should be in the immediate neighbourhood of his operations. As to the loss which our army had suffered in the retreat, the French army had suffered no less; and if our army was much deficient in its effective strength, the French army in Gallicia had been equally cut up, and now appeared to be at least equally unfitted for active operations. As to the advance of Sir John Moore, this had been determined on by that general on the 10th of December. His plan was then to advance upon Valladolid, and operate against the rear of the French army; but after the intercepted letter of Berthier, he then changed his plan, and endeavoured to make a bold stroke against Soult's army. Upon the whole, he considered that no nation ever exhibited more patriotism, energy, and spirit than the Spanish nation had done in their very arduous contest; and he conceived that no nation had ever received greater assistance from another than Spain had re-

ceived from this country, in that diversion which drew the whole force of the enemy from the South of Spain against our army, an operation which gave two or three months to the Junta and the patriots of the South of Spain to recover from their losses. After a general defence of the conduct of ministers, he concluded by giving a direct negative to the resolutions which were proposed.

Mr. Ponsonby examined the various positions which the noble lord had addressed to the House. He entered into it with an expectation to hear some better arguments in defence of the conduct of ministers than any thing he had heard that night. He reviewed the conduct of the British campaign in Spain, and contended that it exhibited marks of inefficiency on the part of the government at home, with respect to the place to which the British army was destined, and where it was landed, and also as to the means that it was incumbent on the government to provide for the marches and sustenance of so great a military force. He dwelt upon the ill-formed expectations of the government with respect to the expedition to Portugal, and its consequent operations on the affairs of Spain. He arraigned his majesty's executive government of a total want of that knowledge of the true state of affairs in Spain, which it was most necessary for the government of this country to know, in order to judge of the measures which it ought to take with respect to the affairs of Spain. He condemned the delays, after the success in Portugal, previous to the commencement of the operations in Spain. He was surprized when he considered the mode adopted by government, who seemed to think, that by their feeble and ill-timed measures great and beneficial results would be produced; when they seemed to think that every thing could go on their own way, and act as by a sort of sympathy, which, in the lines of the Poet, would

> Speed the soft intercourse from soul to soul,
> And waft a sigh from Indus to the Pole.

He commented with much force upon the idea suggested by the noble Secretary of State, that Sir John Moore had taken a dry military survey of the situation of affairs in Spain. He did not wish to provoke useless discussion on the subject, but he felt it his duty to vote for the motion of the noble lord this night.

Mr. Secretary Canning did not think it possible that gentlemen should have entered into the subject in the way in which they had done. He did suppose that the noble lord who submitted the motion lacked nothing in the number of the champions he had to support him that night. He expected, however, that in the vast range of the imagination of the honourable gentleman who had just sat down, he would have been more apt and felicitous in his quotations. The whole of the noble lord's argument, in introducing the motion to the House, was of that nature as to justify any prudential arguments against any measures which it might be necessary, on great emergencies, for the government of this country to take. If government were not to be permitted to risk something where so much was at stake; if government were not to take credit with the country upon a question whereon there was no difference of feeling throughout the land, and to assist by any means the efforts of those who were resisting the attempts of the general usurper, he was sure that the public would condemn the cold and frigid conduct of government. There never was a period when so little information was possessed by the people of this country respecting the situation of another country, than with respect to Spain. All was new; but yet every man in England was enthusiastically disposed to support Spain in her great and glorious struggle against her invader and oppressor. In point of fact, government did not lead the way, but the whole sense and voice of the public were clear and manifest on the subject, and he should sooner expect a charge against government for not being sufficiently active, than for any thing that bore the shape of inattention to the Spanish cause. Government were reproached with a want of participation in the honourable enthusiasm of the country, though nothing could be more falsely alleged against his majesty's ministers. They were not cold and callous to the reviving liberties—to the asserted honour—or to the distinguished spirit of loyalty and independence in Spain. The noble lord who made the motion had alluded to various modes in which government, according to his statements, had promised to assist the Spaniards. He spoke of our assistance to them by a British army. No such thing was stipulated, and no such thing was intended, but under such circumstances as might render it advisable to send a British

army into Spain. In such an effort the government of this country would, of course look to the establishment of a general government in Spain. As to another point, he (Mr. Canning), alluding to what were called exclusively British objects, begged to recal to the noble lord's recollection, and to the recollection of the House, that nothing ever fell from him that could give countenance to any such measure on the part of his majesty's ministers, in the whole course of this great and important business with respect to Spain. He had stated in the outset, that in all cases wherein Spanish interests and British honour were engaged, nothing should be done but what in fact his majesty's speech stated, namely, that we were disposed to give an open, generous, and, if possible, an effectual assistance to the Spanish nation, suspending every mode of hostility for selfish reasons, which we might have employed against a country which had been so long a vassal of the common foe, but which, by patriotic, noble, and gallant resistance to the general enemy, excited all our best feelings in its favour, and called forth all our hopes and wishes, and demanded assistance in stemming the torrent of destruction that menaced all Europe. Acting on that precious principle which, not acted upon, would have furnished plenteous grounds of accusation from the noble lord and his compeers, ministers might possibly be to blame, in the eyes of some who were more fastidious than they were consistent. But it was surely a hardship on ministers, to hear from those who stimulated them to leave nothing undone to support the Spanish cause, that they should have acted with jealousy and on selfish principles: such as those they put into practice with respect to the Spanish fleet at Ferrol. No: ministers resolved to do their duty to their own country, but they had been studiously careful not to interfere with, or to offend the natural and national feelings, dispositions, and principles of the loyal, brave, and gallant Spanish nation. They thought that even the animadversions that had been made upon what had been called the stealing of ships, could not apply to the conduct with respect to Spain. Did the noble lord, who thought a seizure of the armed naval force of another state so blameable, wish ministers to seize the fleet at Ferrol, without the slightest regard to the feelings and opinions of Spain? The noble lord must take his choice of his arguments. To what extent would he push

his propositions and his opinions on such subjects? Would he consider fairly what would have been the moral and political advantage of such a seizure? We might indeed have assumed a different part and held other language, and felt other dispositions than those by which we were actuated and animated in every part of our intercourse and connection with the natives of Spain. The right honourable gentleman who spoke last had attempted to be a little dramatic in the way of stating his arguments. Should we have said to Spain, "Oh! you have been for years past the vassals of Buonaparte! We recognize in you nothing but enemies, whom we have a right to treat in such a way as may best conduce to our private benefit. Into the arms of France you have thrown yourselves, and as the vassals of France, &c. by the laws of war, we will treat you. France has shaken all Europe into dissolution; and out of the scattered limbs of Christendom is erecting an universal empire, to which you, by a voluntary debility, have contributed your full share. You have forgotten your rank, interest, and dignity, and have knelt at the feet of the common usurper and enemy of all Christendom." But was that the conduct of his majesty's ministers towards Spain? And are they to be accused of a deficiency of warmth in the Spanish cause, and then afterwards to be told that they did not act upon principles sufficiently close-guarded and selfish? The right honourable Secretary of State then reasoned with much felicity of illustration on the fallacy of arguments drawn from events, and brought to bear by the ingenuity of gentlemen who had all the facts and results before them, upon views that could only be formed before those results could possibly take place. A great and wide field of beautiful speculation was opened, and furnished grounds for criticisms and for censures, on a question the most complicated and the most important that could excite the attention of the British House of Commons. He wished that when the noble lord spoke of dates, he would also recollect the local situations of those who entered into negotiations and concluded treaties: and this consideration might shew the noble lord that there was no impropriety in concluding a treaty with the Junta at Seville, even while the operations of the British army in Galicia were unknown. Were the port of Ferrol at the bottom of Downing-street, it might be a very different case. What

was done by the treaty might not be foresight, but it yet might be prudence; and the circumstance of the French getting possession of the fleet at Ferrol only proved the propriety of making stipulations and agreements with a view to such an occurrence. But the noble lord's arguments, founded upon results, and not upon the state of the case as it stood, were of a nature to which no legitimate reasoning could apply. It put him in mind, since poetical quotations had been used, of one which possibly the noble lord had in his mind, and which induced him to exclaim, "Ye gods! annihilate all space and time," and bring two things together. As to the treaty, he contended that it was right, and that it was essential to make a stable, substantial, and positive record of our views and motives with respect to Spain; and that in doing so, we in fact circumscribed and limited our measures; so that while we entered into the just views of Spain, we marked the boundary of our own objects. The right honourable Secretary of State then went into some observations upon the present situation of the royal family of Spain, and the claims of the Neapolitan branch in case of their demise or incapacity, from whatever causes. He contended with great ability for the propriety of making that treaty, and shewed that the events in the North of Spain had no bearing upon the merits of this transaction. He would not go into other matters at present; but he might say, if he could continue to say any thing, on that subject, that, even in a military view, the entrance of our army was a right measure. With respect to Mr. Frere, he had no difficulty in saying there was a part of that gentleman's correspondence that he did not approve. He would state fairly that there were parts of it which he could not approve, and of which he had not advised his sovereign to express his approbation. It was the duty of a minister at a foreign court to give a general every information in his power, to transmit to him, and to enforce all communications from his government; but there his province should have ended. He should not have interfered with military decisions, and least of all should he have specifically demanded the examination of any person before a council of war. Having stated thus much, he hoped he should be allowed to state what he believed in extenuation of Mr. Frere. The demand that he made relative to the examination of the person he sent to Sir J. Moore was

not to be taken in the sense it generally was. It was his intention that that person should be examined as to the value of his intelligence, and not as to the extent of his advice. Of the gentleman so employed he knew nothing. He never saw him, nor did he think Mr. Frere ever saw him before. He was not selected by him; he was not recommended by him. All he could learn of that gentleman was, that on his passing through Salamanca, he was favourably received at head-quarters, and that he returned from Madrid to Salamanca, with a letter from the Junta of the former city to Sir J. Moore. The person was, in fact, in the employment of the Junta at Madrid, and Mr. Frere could not have refused to forward him. Of his character, he would again repeat, he knew nothing; but he had reason to believe that many of the charges that were preferred against him in another place were unfounded. With his character, however, Mr. Frere or Sir J. Moore had no more to do, than he had with that of the postman who brings him a letter. Was it an imputation upon Mr. Frere, that he did not despair of a cause he was bound to support? It was not solely upon the suggestion of Mr. Frere that Sir J. Moore advanced. He would shew, from the letters of the latter, that he ascribed his movement to a quite different cause. In one of these he stated, that it was the general opinion at Salamanca that he should advance. The general opinion of whom? Surely not of the Spanish inhabitants of Salamanca; no, of the whole British army. The correspondence with Sir J. Moore was not of Mr. Frere's seeking. On the contrary, it was solicited by the former. With respect to the tone of that correspondence it was natural that great diversity of opinion on a question in which the parties were deeply interested, should produce exasperated expressions. The letters of Sir J. Moore were not free from this defect. A slight perusal of them would shew that they were calculated to excite angry feelings. But he could not believe that any liberal mind would take advantage of such an accidental disposition. It was the intercepted letter of Soult that decided Sir J. Moore to advance, and which certainly produced the disastrous retreat to Corunna, which, with all its disasters, for his own part, he must prefer to the retreat from Salamanca. He would say nothing about the retreat to Corunna but this—that with respect to that retreat and its precipitancy

he did not cease to regret and lament. He must contend that ministers were not responsible either for the advance of Sir John Moore, or his retreat to Corunna. If Sir John Moore had been delayed at Corunna for want of transports, they would be liable to blame; but it was in consequence of a pressing demand from Sir J. Moore that the transports were sent to Vigo. It was natural for men to feel and mourn for the disasters of war; but the battle of Corunna, however individual calamity might be the subject of regret, should not be the subject of lamentation. The retreat was terminated by a battle much to be desired. That battle placed the honour of the country as high as ever it stood, instead of putting it where it would form a melancholy contrast to its former glory. He could not adopt the despondent tone of the noble lord, or the right honourable gentleman respecting Spain. Even after the expulsion of the British, the Spaniards had given proofs of what they could accomplish. They were embarrassing and wearing down the enemy by a desultory war, by that species of war best adapted to their country and state of organization. It was not the intention of his majesty's government to send a British army into Spain, until they had consolidated their armies and placed them under the command of one chief. Then, indeed, a British force might be again useful. We could have no interest to force them into that course; but he trusted that they would profit enough by their own experience and our suggestions to adopt a system that should enable them to bear with all the weight of their accumulated force upon the enemy. Such were the views he wished the House to take of the subject.

Mr. Tierney trusted that it would not be imputed to him that he felt a disposition to extinguish any hopes surviving from the last campaign in Spain, or damp any expectations of future successes. He fully agreed in the propriety of assisting the Spaniards, and felt, in common with the whole kingdom, a warm interest in their success. He was anxious, however, to have the opinion of the House on the papers before them. With respect to Mr. Frere, the debate of this night shewed that that gentleman had a friend and defender. Indeed he had occasion for such support, for no one ever stood more in need of it. But where Mr. Frere found a friend, the noble lord lost one; for the right honourable gentleman passed over the

whole of his conduct of the campaign. Indeed he shewed his judgment not to say much of Mr. Frere, and to say nothing of the noble lord. He left the latter to get out of the scrape as well as he could. The right honourable gentleman's defence about Ferrol was no defence at all. He put words into the mouths of gentlemen at that side of the House that they never uttered. They never suggested the necessity of taking away the ships without the concurrence of the Spaniards. But ministers would have acted consistently with their own principles if they did; for upon what principle did they seize the fleet at Copenhagen, but that there was reason to suppose they would fall into the hands of the French? Was not the danger fully as great at Ferrol? If they did not choose to bring them away themselves, why did they not urge Spain to take measures to prevent them from falling into the power of the enemy? The noble lord had no excuse for his neglect in not having sooner sent an army into Spain. He was fully informed that Buonaparte would be there at the beginning of November with 100,000 men, of which 12,000 were cavalry. By his delay he lost the cause of Spain. Perhaps there was a chance of a rally, but of that he was not sanguine. The conduct of Mr. Frere left the right honourable gentleman much to answer, and he was surprized that after the letters that were on the table (letters which the right honourable gentleman himself condemned) he should have left him three months in Spain. Indeed, without meaning any personal imputation on Mr. Frere, he must condemn his first appointment. He was an eye-sore to the Spaniards. He had before been in Spain, at the time that the frigates were taken, and he was not the fittest person to conciliate a people who could not have forgotten that circumstance. He maintained that it was solely owing to Mr. Frere's urgent demands and unceasing importunities that Sir J. Moore advanced to Astorga. As to this M. Charmilly, of whom the right hon. gentleman was the champion, he knew nothing of him personally. He had heard a good deal indeed of him for the last ten years, and he never heard any one speak well of him. It was doubtful whether this M. Charmilly had been at Madrid at the time stated; and so far was he from being the bearer of dispatches from the Junta to Sir J. Moore, that they were transmitted by a courier who came by another road. He certainly did pass through

Salamanca, and having a rank in the British army, he experienced the hospitality of the Commander in Chief's table. But Sir John Moore placed no trust or confidence in the man. He distrusted him from the first. He knew he was a Frenchman of that description that did not entitle him to the smallest confidence. He fully agreed in what the right honourable gentleman said respecting the battle of Corunna. He thought it was desirable that a retreat, unexampled in point of danger, difficulty, and privation, should have so brilliant a termination. But he would not again put a British army into such a situation. He would not confide the conduct of the war either to the noble lord or the Duke of Portland. If the House would pass over all this misconduct, of which they had the proofs before them, they would not do their duty. If another retreat, under circumstances equally disastrous, should take place, he knew not how he should arraign the noble lord. The noble lord and his friends might soften the resolutions if they pleased, but it was incumbent on the House not to separate without marking its sense of their errors and incapacity.

The Chancellor of the Exchequer said, he was perfectly satisfied the subject had already undergone so much discussion, that it would be needless for him to trouble the House at any length; but there were two or three points on which he wished to make a few observations, and to which he would request the attention of the House. His Majesty's ministers had been arraigned, and yet the gentlemen on the opposite side were unable to say whether they had given assistance too early or too late; though the right honourable gentleman opposite had previously said, they ought to have waited till a government was formed in Spain who could give them information. Ministers now stood charged by the right honourable gentleman who spoke last with having sent an army; yet had they not sent one, he had no doubt but the censure on them from that quarter would have been much more severe. The noble lord who brought forward the motion had assumed that the expedition which was sent out, having failed, blame must be somewhere; it must rest either with the Commander in Chief or the ministers; and they made not the smallest allowance for events, over which neither ministers nor the Commander in Chief could have any controul. This was the language of those

who hallooed them on to give assistance to Spain, and who would have been most bitter in their complaints if ministers had not done it. What, he asked, would at this moment have been the situation of Spain, if our army had not been sent? The French would long ere this, have been in possession of the greater part of the country, and Sir John Moore had himself acknowledged that our expedition had made a most important and useful diversion in favour of the Spanish cause, had drawn a great part of the French force to a very distant quarter from their main body, and had given the Spaniards time to recruit the armies which had been dispersed. It had prevented the French from making any considerable progress since the period of the battle of Corunna. As to all the observations respecting Mr. Frere, if there had been any blame imputed by ministers to Sir John Moore, the argument might be good. The real cause of the complaint made by the opposite side of the House seemed to him to be, because General Moore did not retreat into Portugal, which they say he ought to have done, which he might have done, but which he did not do from following or acceding to the opinion of a non-military man. This was a curious way to support the character of General Moore. To endeavour to justify General Moore by imputing blame to Mr. Frere, was, in his opinion, highly unjust. He should be very sorry to say a word that might convey in the slightest degree a painful feeling to any of the relatives of Sir John Moore; but he could not permit the right honourable gentleman opposite to attack Mr. Frere, without defending him from their reproaches. Sir J. Moore first asked Mr. Frere's advice: he did not obtrude it on Sir J. Moore. His advice to that officer to remain at Astorga seemed to be the point on which the right honourable gentleman who spoke last particularly laid his finger, and in that Mr. Frere is blamed for giving advice which was not followed. He concluded by expressing a confident hope that the House would reject the motion.

Mr. Tierney explained.

Mr. Bragge Bathurst said, he had listened with great attention to the three ministers who had spoken, and though they had all taken different modes of defence, he had heard nothing which could induce him not to join in a vote of censure on their conduct. The right honourable gentleman spoke at considerable length.

Lord H. Petty spoke in favour of the motion.

Mr. Whitbread supported the resolutions, and briefly defended the character of Sir John Moore, whose operations in Spain, would, in his opinion, have been most perfect, had he not been interfered with by Mr. Frere. He condemned in severe terms the conduct of the latter gentleman, particularly as to the point of his deputing Mr. Charmilly.

The House then divided, when there appeared

For the Resolutions,	111
Against them, - - -	230
Majority - - - - -	119

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 10.

MILITIA BILL.

Their lordships went into a Committee on the militia bill, in which an amendment was made, after some conversation between the Duke of Norfolk and Lord Liverpool, cancelling the clause relative to recruiting for counties in the adjacent parts of neigbouring counties. The report was received, and ordered to be taken into consideration on Friday next.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 10.

Mr. Wilbraham Bootle moved for leave to bring in a bill to alter and amend the act of the 35th of the king for preventing the removal of paupers, so far as the same relates to the suspension of vagrants' passes, and for obliging paupers to wear badges.

Mr. Whitbread, in seconding the motion, declared that his attention was unceasingly directed to the amelioration of the poor laws, and of the condition of the poor; and expressed the satisfaction he felt that the discussion of the measure he brought forward in a late session, had produced a wider diffusion of knowledge throughout the

empire; and declared his intention to bring in a bill next session of Parliament for extending education, that is, useful knowledge and information among the lower classes.

Mr. W. Bootle then brought in the bill, which was read a first time, and ordered to be read a second time on Tuesday next.

REGIMENTAL ACCOUNTS.

Mr. Ward'e, pursuant to notice, rose to move for the production of certain accounts from the war-office. His object in moving for them was to put the House in possession of the state of accounts in the war-office. Since 1797, when the establishment was enlarged, with a view to bringing up the arrears, the number of clerks had been greatly increased, and yet the accounts were in greater confusion than ever. If the papers should be granted him, he should show, that this increase, instead of expediting, had retarded the settlement of the accounts. The establishment of the war-office cost 54,000*l.* annually, and yet the accounts might be made up without suffering any arrear to accumulate for 30,000*l.* a year. Thus there would have been a saving of expenditure since 1797, in that department, if even the average expence were taken at 40,000*l.* annually, of above 140,000*l.* Many regimental accounts were in arrear more than twelve years, and the confusion was increased by the different changes that had been made in the manner of conducting the business of the office, whereby monthly and quarterly accounts were intermixed with annual accounts. A radical change of system was absolutely necessary; because any modification of the present system would only be for the worse. Other advisers should be consulted than those on whose opinion the present system had been adopted. He knew an accomptant, who would undertake to make up the whole of the accounts of the office for the sum he had mentioned, and pledge himself not to suffer any arrear to accrue. After noticing the establishment of a second war-office in George's-street, at an expence of five or six thousand pounds a year, the volunteer pay office, which he stated not to be necessary, the honourable member concluded by moving, "that there be laid before the House a return of all the annual regimental accounts now in the war-office, specifying such as are settled, and such as are not; also a return of all the annual regimental accounts

which have been carried into warrant; specifying how many in each year, and whether for cavalry, infantry, or militia regiments."

Mr. Whitbread seconded the motion.

On the question being put,

The Secretary at War did not mean to give any effectual opposition to this motion, at the same time that he trusted he should be able to persuade the honourable member to withdraw his motion. A commission had been appointed to examine and report upon this subject, and had already produced three reports; the one of which, that related to the accounts, had been drawn up with great ability and precision. The subject had been seriously taken up by his majesty's ministers, who had frequent communications with the war-office, relative to some new arrangement. He could assure the honourable member, that his majesty's ministers were equally with himself impressed with the necessity of a comprehensive and radical reform in the business of the office. The Secretary then went into a detailed account of the steps which had been taken to remedy the grievance since his coming into office; and concluded by observing, that as there could be no utility in pressing for the accounts at this moment, he hoped the honourable gentleman would give up his motion.

Mr. Long agreed in the necessity of adopting some new system for the simplification of army accounts, for the excellent system introduced by Mr. Burke would be wholly ineffectual at this time; for instance, a number of differences in the pay of the soldiery had been introduced depending on the local, or temporary prices of bread, or meat, at their respective quarters. Hence, it was not possible to go into a minute inquiry of the accounts, with any hope of an accurate result.

Mr. Windham said, that the only practicable mode for attaining accuracy in the accounts, was to simplify the mode of paying the soldiery. In investigating the cause of the arrears which had accrued, much would depend on considering the degree of zeal, integrity, diligence, and intelligence employed by the persons to whom the investigation was referred. During his own continuance in office, he was conscious that much of each was exerted; and still the desirable result of bringing up those arrears could not be accomplished. The real cause of accumu-

lation in those years was the great increase of the public force. Gentlemen who complained of these arrears seemed to forget not only the great increase of the regular army, but the addition of the army of reserve, the supplemental militia, the volunteers, and foreign corps. The grist had exceeded the powers of the mill; and to remedy that defect, there must be more mills and more millers. However, if the honourable gentleman who made the motion, could produce any effectual plan to remove the defect of which he complained, he would render a great public benefit. But he must allow him (Mr. Windham) to doubt the practicability of such a plan, from what he himself had already experienced.

Mr. Whitbread thought that if the business of the army accounts was the private concern of an individual, there would be no more difficulty in avoiding arrears, and producing regular balances, than in any mercantile house. With respect to the foreign corps, Mr. Whitbread took occasion decidedly to censure the system adopted by government, under M. de Charmilly, of enlisting into the British service French prisoners of war—men who, whatever might have been their principles, would not fail to profess any opinion or feeling that would procure for them not only liberation from imprisonment, but bounty, pay, and clothing in the British service, from which service, however, it was judged prudent to exchange them for British prisoners of war in France, while Colonel Charmilly was continued in full pay in the British service.

Mr. H. Thornton said, that it had fallen to his lot as a member of the finance committee, to examine many items of those accounts, both printed and written, without being able to arrive at any clear or comprehensive idea upon the subject. It was one of much complication and difficulty, and the committee of which he had the honour to be a member, finding that the commissioners of military inquiry were occupied upon the same subject, deemed it advisable to await their report before they proceeded further on the topic.

Mr. B. Bathurst also bore testimony to the great difficulty of bringing up arrears, and producing regular accounts with minute detail. He denied that the system of those accounts was at all to be compared with the business of a merchant's counting-house. It was a mere business

of audit at the war-office, the minuter details being collected from a vast variety of other departments. The production of regular and minute accounts in the way proposed would cost the country infinitely more, in the addition of officers, than any real advantage to be attained was worth. It was therefore necessary either to increase the establishment, or diminish investigation. He should be happy to see the golden remedy promised by the honourable gentleman who made the motion; but until it was explained and proved to him, he must be allowed to question its practicability.

Mr. Huskisson, respecting the money advanced to Mr. Charmilly, for the enlistment of foreign soldiers, said, that he rendered a fair and satisfactory account; but he himself fully coincided in condemning the enlisting such soldiers into our service.

General Tarleton said, it was an established maxim in all French books upon military affairs, never to enlist into the army prisoners of war, the subjects of a hostile state.

Mr. Peter Moore thought it rather hard that his honourable friend who moved for those accounts, should be called on to produce and explain his plan, without first giving him the accounts which he required, as the data whereon to found that plan. When he received them, he had no doubt of his producing such a plan as the House would deem worthy of its consideration. The mode taken to remove the evil in the war-office was utterly erroneous, and must continue rather to increase than diminish it. It was not by adding ten or twenty clerks to the office in this year or that, which could produce the desired effect, without due regard to the abilities and competence of those clerks. The men wanted were persons of real talent, and regular bred accountants, who were competent to investigate and detect mistakes, and not men who might be themselves peculators, and interested in passing fraudulent accounts. Of this class of persons he would state a case that came before the committee. One man produced an account on which he claimed a balance of 102,000*l.* due to him by government, and expressed his surprise that the money was not paid him. Another was called, and interrogated as to the accuracy of this account, and stated that the claimant, so far from having a just demand against government for 102,000*l.* was himself a debtor to government of 143,000*l.* making only a difference of

245,000*l.*; and in the counter statement to shew this error, there was an item in one line, for mistakes, 31,000*l.*

The motion was then put and carried.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 11.

BRIBERY AT ELECTIONS.

Mr. Curwen's bill was read a first time. The bill proposes to enact, that any person selling or purchasing seats in Parliament in any way, should forfeit a sum to be named, and disabled from sitting in Parliament; and that agents convicted of such practices should be liable to a penalty to be named; and that an oath be imposed on the member elected, which, in case of offences against the proposed act, should subject the party to the penalties inflicted on those convicted of perjury.

Mr. Curwen hoped that the House would agree to the printing of the bill, and however incorrect the bill might be in some respects, he trusted that the Chancellor of the Exchequer would not oppose it, but rather lend his aid to supply any thing which its deficiencies might require.

The Chancellor of the Exchequer wished rather to have the bill printed upon the second reading. He was prepared to give the bill a full and fair discussion, as he had originally stated, though it might appear so objectionable in some respects on the second reading, as not to render it advisable to proceed farther in the consideration of it. He had no objection to its going into a Committee but he was desirous of seeing it in print, that it might be fully examined in its fundamental principles, and in all its bearings.

The bill was ordered to be read a second time on Tuesday next, and to be printed.

CHARGE AGAINST LORD CASTLEREAGH AND MR. SPENCER PERCEVAL.

Mr. Madocks, rose and moved that the resolution of that House, passed in the year 1779, be now read, which was accordingly done. The resolution states, that it is highly criminal in his majesty's ministers to use the power

they have by their official situations in directing or influencing the elections of members to be returned to the Commons House of Parliament, which it describes as an act contrary to the independence, privileges, and dignity of that House, and an injury to the rights and liberties of the subject, and subversive of the foundation of the constitution.

Mr. Madocks then rose again, and moved that the resolution, passed on the 25th of April last by the House be read, which was accordingly done. (This was the resolution passed in the case of Lord Castlereagh, on the discussion of the motion of Lord Archibald Hamilton.) This resolution states, in substance, that it is the duty of the House of Commons to maintain and guard the purity and independence of Parliament; but that the intention charged not having been carried into effect, no criminatory proceeding appeared to the House to be necessary to be instituted.

Mr. Madocks then rose and stated, that before he redeemed the pledge he had made to the House, and proceeded to state the facts, which, he was confident, warranted him in the imputation he had made of conduct corrupt and criminal against the right honourable the Chancellor of the Exchequer and the noble Secretary of State, he should hope that the House would allow him to make a few preliminary observations. He wished to abstain from any personal observations, and he could assure those two right honourable members, that he was actuated by no personal motives. He was desirous even to overlook the men, provided he could expose and reform the system to which he had called the consideration of the House; a system which said, in effect, that corruption was necessary to the support and existence of the British constitution, and that our constitution, according to the best explanations and defence of its principles and practice, was, without corruption, inadequate to the maintenance of our relations to foreign powers, and the means of our self defence. He would repeat, that at any rate he had no stronger feelings against the two right honourable members than they themselves had manifested against the conduct of another administration, when that conduct was not such as to reach their approbation. He declared that he was no party man, except in so far as he was disposed to support those gentlemen who held prin-

ciples which he deemed it right to support; and he avowed that he was a decided foe to corruption. He thought he could not do better than to recur to the right honourable gentleman's (Mr. Perceval's) own words, when he maintained, that at no time had there been less corruption in this country than at the present, but yet stated that we ought to hunt out the instances of corruption and abuse, and expose them, and bring public offenders to public punishment. That right honourable gentleman had stated on a former day that he (Mr. Madocks) had not observed the usual courtesy of the House, in having failed to give him a previous notice of his motion. If he recollected right, however, that right honourable gentleman had two or three years ago, he meant on the subject of the Hampshire election, met with complaints from gentlemen then in power, that no notice had been given them of the motion which was so warmly supported by that right honourable gentleman. With the permission of the House, he would read a part of his speech, to shew what sort of complaints were then made against the conduct of the right honourable gentleman and his friends. It was then said that it was always understood that some previous intimation should be given in the case of an important motion, and particularly in the case of one which attached some censure upon individuals; but that in that case not one word of any intimation had been given. The right honourable gentleman at that time maintained, that the case was one which involved the highest privileges and dearest interests of that House, and that the allegations were so serious, that it mattered not whether there were any intimation on the subject. Such, he believed, were the arguments then used in defence of the attack then made. His (Mr. M.'s) ignorance of the history of his country had been complained of by another right honourable gentleman (we believe Mr. Yorke); but how that gentleman, with whom he had not the honour of being acquainted, came to tax him with such ignorance, he could not tell. Certainly, however, he must say that he had never read in the history of England that sinecure places were conducive to the public interests, or that rotten boroughs formed an essential part of the British constitution. From the time when the honourable member below him had taken so active a part respecting the transactions of the treasurer of the navy in his official de-

partment, down to that when another honourable gentleman had so distinguished himself in discovering improper proceedings in the department of the Commander-in-chief, such various and enormous abuses had been discovered in almost all the public departments, that he trusted the House of Commons would put them all into a train of investigation. But among all these instances of abuse, he thought the influence of the Treasury in returning members to that House, stood pre-eminent. If he were to refer to good times, he might take the liberty of reading to the House a part of an excellent speech of Sir John St. Aubyn, delivered in that House in the year 1734, on the discussion of a motion for the repeal of the septennial act. [The extract contained a strong view of the influence of the crown upon the House of Commons, and the dangerous effects to be apprehended, from the farther lessening of the representative rights of the people. The last fatal compliment might be paid to the crown by a subservient House of Commons, and the people might indeed remain; but the doors of that House might be for ever shut against them. It makes a strong appeal to the wisdom and patriotism of the country gentlemen, whose elections are frequently interfered in and controuled by the influence of the minister, and whose zeal and ambition to sit in that House would be increased by the superior means afforded them by getting rid of the influence of those officers of the government who so often supplanted them.] The nature of this influence of the Treasury branched out in so many ways, that he had no intention nor time to enter at length into the subject; but he thought there was one view of it in which it demanded the most serious consideration and investigation of the House; he meant particularly to allude to that practice by which sinecures were given in pay to individuals who nominated members for corrupt boroughs. This money, he believed, was applied to a fund established for the purpose, and was doled out to carry on particular elections. He could enumerate several boroughs under the influence of the Treasury, through the instrumentality of the public money. There was the borough of Hastings, where there was a Mr. Milward and his son, who were the agents of the Treasury in that place, the younger of whom was comptroller of excise, a place worth 1450*l.* per annum, and which in the case of a Parliament lasting

seven years, produced a sum of 10,150*l.* for that species of agency in the representation of that House. There was the Borough of Rye, where there was a Mr. Lamb, who had a place under the exchequer (the amount of which we did not exactly hear). He mentioned another place (we believe Queenborough), and then stated, that however worthy these were of the consideration of the House, he was about to state one case of a nature aggravated in the extreme. He meant the case of the borough of Cashel, in which he should shew the Treasury acting in the teeth of the resolution of the House, in violation of the principles of the constitution, and inflicting a signal injustice on an individual for refusing to act contrary to his conscience. In this instance, that individual had acted in a manner strikingly correct, and such, as he thought, must meet with the esteem of every man in the country. He should conclude with a motion to call evidence to the bar to substantiate his accusation. He should, to a certain extent, depart from the line he took on a former night; but he must observe, that having looked again at the precedent he before mentioned, he did not think that his conduct had been there irregular.

He then proceeded to state that in the last election a sum was paid through the negotiation of Lord Castlereagh, to Mr. Henry Wellesley, as the agent of the treasury, by Mr. Quintin Dick, in consequence of which payment, the said seat for the borough of Cashel was obtained by Mr. Quintin Dick. He was likewise informed that Mr. Spencer Perceval was privy to the transaction, and that Mr. Quintin Dick having taken his seat in that House, did, pending the discussions concerning the administration of the army, under his Royal Highness the Duke of York, wait upon Lord Castlereagh, and acquaint him with the nature of the vote he intended to give on that subject, on which Lord Castlereagh, after consulting with Mr. Spencer Perceval, suggested to Mr. Quintin Dick the propriety of his relinquishing his seat, rather than give that vote.

He hoped that in such a case the House of Commons would vindicate its own purity and dignity, and quoted a passage in the Hampshire petition, on which he passed an encomium, as worthy the perusal of the country. He concluded by observing, that he had thought it his duty to bring forward this outrage on the independence

of the House, and felt the more emboldened to do so from their resolutions, which had been read to them.

After the honourable member sat down, no motion having been formally made, Lord Folkestone spoke upon the subject of the forms, in the precedent of Shepherd, and on the question respecting the withdrawing of the two right honourable members opposite. Mr. Shepherd did not appear in the first instance to have withdrawn, and his lordship thought there was no reason for the two members now to withdraw, as the charge was not yet before the House in a sufficiently substantial shape. If the matter was sent to a committee, they would wait the result of that committee, and if its report were accusatory, they might then withdraw. He thought that the motion ought, previous to such a step, to be proposed, and if it appeared objectionable, his honourable friend might withdraw it.

The Speaker was obliged to the noble lord for calling the attention of the House to the precedent, but wished to know whether the honourable member intended to pursue the same course he had before proposed. If so, this was the moment to hear the charge, and there was no compulsion at present on any member to withdraw. In the case of Walpole, Counsel was heard previously, an instance rare in such cases in later times. It was not for him to say that the House was not at liberty to pursue the precedent, which case was conducted by Sir E. Seymour, who had been Speaker of the House of Commons, but there appeared no call in the journals on the party to withdraw.

He wished still to know whether the honourable member meant to proceed on the precedent alluded to. Then the honourable member must be heard as to what he might think fit to offer. But the noble lord was not quite correct in supposing that the parties had a right to vote, as they were certainly interested in the question.

The Chancellor of the Exchequer said, that he was very desirous to conform to the wish and sense of the House, and was prepared to expect that the decision from the chair would be adopted by the House. He expected that according to their ordinary practice the individual charged would be heard previous to the motion being made. Bowing to the practice of the House, and not thinking it becoming in him to question and canvass

its propriety, he thought that calling on a member in the first instance was attended with fewer embarrassments and difficulties, than by his remaining there during the discussion, under a supposed right of taking a part in the debate, and abiding there, without the privilege at last of a vote on the subject. He was disposed, therefore, to conform to the practice, and, after saying a few words upon the subject, to withdraw from the House. He certainly felt that it would be more convenient to the object of such a charge, to speak at the close than at the commencement of it, as it would enable him to observe upon all the different tendencies and bearings of the question; but as the course was otherwise, he must abide by that course, as the most expedient to be pursued. He confessed that, with respect to the present occasion, he had felt and still felt considerable doubts as to the course which he should pursue in the address he had to make to the House. If he had felt that this case was one of an ordinary nature, in which a criminal proceeding was proposed against any member, or a minister being a member of that House, he should be disposed to meet it by an open denial of such part of the statement made as was unfounded, by an explanation of what was incorrect and by an examination of the law upon the subject, to induce the House to come to a proper opinion on the question; but he could not look on the subject in that light. The course of proceeding prevented him from that. The honourable member had, indeed, stated, in the commencement, that there was, behind this motion, a mass of other matter to be enquired into, whether against him he knew not, or whether it extended to an enquiry into who, or what former government appointed certain officers at Queenborough, Rye, and other places, for the purpose of influencing the electors. By this statement, it did appear, that this was not an attempt to assert the dignity or avenge the injured honour of the House in any particular case of offence, but merely a step in the pursuit of that plan and measure which had been already announced by the honourable member; and for which purpose he singles out one act, not, he believed, vindictively, against him and his noble friend, but to make examples, in order to impress the public mind with the necessity of that plan of reform which was projected. The proposed motion of the honourable member appeared to be withdrawn, and

this proposition was substituted in its stead, as the first step towards the effectuating of his objects. When he saw, that in whatever shape he made this motion, he was endeavouring to lay down a precedent for himself and for others, he must, on his part, take care not to establish that most dangerous precedent, of entering into discussions of charges made without any proofs exhibited; derived from, he knew not what sources of information, or through what channels, or through the breach of what confidence between individuals (*Hear!*), by which an individual was to be called upon, on a mere statement, to explain his own conduct, or to risk by his silence a presumption on the part of others of his share in the guilt of charges stated. He would say, that if this practice were encouraged, it would lead to the establishment of a system of inquisitorial proceedings, highly dangerous to every species of honourable confidence in private and in social life. We lived in times, in which we must see that it is a great and favourite object with many, to procure information against public men, and that persons so employing themselves actually endeavour and succeed in rising into public estimation by such means. We saw information of this nature collected assiduously from every quarter, by the violation of private confidence, by the seizure of letters (*Hear!*); in short, by any means whatever by which it can be obtained to make it the foundation of public charges! (*Hear, Hear!*) He felt impressed with the opinion that it was more consistent with the security and welfare of the House and the public, that he should abstain from taking any notice of the charge made against him, if indeed it was a charge against *him*; though indeed it appeared to be chiefly against the noble Lord; but it was said that the offence was afterwards communicated to him. He protested, however, against any inference being drawn against him upon this occasion; but he should content himself with giving to the charge no other denial than his plea of not guilty, until he should know that the House was disposed to proceed farther on the subject. If the House should be disposed to entertain this charge, then indeed he should be prepared, as he was at that moment, to account for his conduct satisfactorily to that House, and satisfactorily to his own honour, and should, in that case, be ready to give an account of the transaction as far as he was concerned in it, at any time the House might please to appoint. He hoped that he had not conducted himself

disrespectfully, but he could not conceive, in the present times, and under the present circumstances, that public men on either side of that House were to be called upon by a mere statement of imputed errors, to think it a point of duty to enter into the explanation of transactions, which might be of a private and confidential nature. This was his opinion and his feeling of this case, and he should, therefore, after what he had said, make his bow and withdraw, leaving the House free and unembarrassed to come to its own decision upon the subject. (*Hear! hear! hear!*)

Lord Castlereagh then rose, and said, that he could not express what he felt on this occasion better, nor more adequately, than by adopting the statement which had been made by his right honourable friend who had just left the House. He had nothing to add to that statement, and fully adopted every part of it. Whatever might be the practice on similar occasions, he could not, under the circumstances in which he was placed, sit in the House during the discussion of the question. He did not conceive that he was in the present stage of the business bound to give that explanation which he was confident he could, if it should be the pleasure of the House to enter into the investigation. To the House therefore, he should leave it to determine, whether he should be called upon to give that explanation, which at present he was prepared to do, if it appeared to him to be called for on this occasion. (The noble lord then made his bow and withdrew.)

The Speaker then informed the honourable member (Mr. Madocks) that this was the proper time for him to make his election as to the course he should adopt.

Mr. Madocks moved, that the House do, on Wednesday next, resolve itself into a committee of the whole House, to examine into the matter of the said charge.

Mr. Tierney suggested the propriety of having the paper, from which the honourable member had read the information he communicated to the House, laid upon the table, in order that gentlemen might have an opportunity of ascertaining what the information was. At present they could only collect it from what they could remember of the speech of the honourable gentleman; and many members, who had come into the House since the honourable gentleman had concluded, could not possibly have any knowledge of the information it conveyed. He thought it right that before the House should come to

a vote, they should know exactly what it was upon which they were to decide.

The precedent was then read by the Clerk at the table.

The *Speaker* then asked the honourable member, whether it was his intention to follow up the whole or only a part of the precedent? The motion he had made contained a double question; first, that the charge be heard at all, and next that it be heard on a particular day. If the honourable member were to follow the precedent, he must be aware that when information of the charge of bribery was given to the House, the members were heard and withdrew; after which, when the House had divided, that the charge should be heard, a list of the places was sent to the parties, after which a day was appointed for hearing the matter of the charge.

Mr. Whitbread was of opinion, that the motion of his honourable friend was strictly conformable to a recent precedent, when that House, upon oral information alone, entered into an investigation, which lasted many weeks (the case of the Duke of York). His honourable friend could not have taken any other course than that he had adopted; yet he was sure that he could have no objection to leave the particular day out of his motion, and then the proceedings would correspond with Shepherd's precedent. As to the observation of his right honourable friend (Mr. Tierney) that many members were not in the House at the time of his honourable friend's speech, he had only to observe that every member is presumed to be at all times present in his place. He looked upon it as dangerous to depart from the practice of Parliament, in admitting oral information as the ground of inquiries into alledged abuses.

Mr. Secretary Canning agreed with what fell from the chair, that the question was a double one, and observed, that the latter part presumed that the House had agreed to the former part. The first part was, whether the charge should be entertained at all; the latter, whether it should be heard on a particular day. If the honourable gentleman altered his motion so as to put the question upon the first part, leaving out the particular day, he could see no objection to its being put in that form. He thought it competent to the honourable mem-

ber to take the sense of the House upon the question, whether the charge should be entertained at all.

The precedent having been again read,

Lord Folkestone, as the House seemed to be unanimous that the precedent should be adhered to, expressed a hope that the precedent should be adhered to strictly and precisely. It appeared by the precedent that a list of the places only, not of the agents, or instruments, or witnesses, had been given to the parties.

On the question being put,

Mr. Cartwright said he was decidedly adverse to the motion, and whether he referred to the matter upon which it was founded, or the opinions of the honourable gentleman who brought it forward, as expressed in the resolutions which he seconded at the *Crown and Anchor*, he could only consider it as the first step to parliamentary reform. Mr. Cartwright was not ashamed to acknowledge himself one of those, far too much attached to the constitution as it is, and far too sensible of the blessings so abundantly diffused throughout every class of people in this country, to give his support or countenance to any change or innovation. He wished however to guard against being supposed an advocate for corruption; it was not the case; but in his opinion we had the means of correcting abuses already in our hands. The courts of law were open, and recourse might be had to them. He would not risk the loss of the blessings and advantages we now possessed, in pursuit of any wild or visionary object of reform. We had much to lose, and little to gain; and whatever might have been the language lately held at public meetings, he should ever maintain there was more real liberty, more real equality of condition, more equal administration of justice, more security of property and person, and more genuine principles of freedom in this country, than ever existed heretofore in any other nation upon earth.

With respect to the question of reform, he conceived there were three points to be considered—*The evil*, *the remedy*, and *the motive*. He had no difficulty in saying, in his opinion no evil existed—there was no evil to be complained of, and consequently no remedy to be applied; and even those who did think there was something which required correction, did not, any two of them,

agree upon the remedy. It was said on a former night, that should reform of Parliament be determined upon, the advocates for it would not know where to begin or where to end. Mr. Cartwright did not agree with the honourable gentleman (Mr. Windham) who made that remark—they would know where to begin, because they would begin by *pulling down*, and then not know what to *establish*. With respect to the motive, a celebrated writer had said upon the subject of reform, "Beware that it be the reformation that draweth on the change, and not the desire of change that *pretendeth* the reformation." Mr. Cartwright would not impute any improper motive to any member of that House; but he had no doubt there were many out of the House, whose object it was, under the pretence and cover of reform, to introduce confusion, and prepare the way for revolutionary projects. It was said our rights and liberties were in danger. Mr. C. could not help calling to the recollection of the House, how often the cry of liberty had in all ages been perpetrated and employed as the instrument of mischief; and how often the champions of liberty had become the first to trample it under foot, when they had succeeded in attaining their end, and in overturning the constitution.

"Sunt qui, ut imperium everant, libertatem præferunt, si perverterint, ipsam libertatem aggrediuntur."

In what had France benefited by the change which had taken place in that country? without having been partial to the old government, Mr. C. would ask what had been gained by the new government? What but the extreme of military despotism, and every sort of tyranny, injustice, and oppression. What was the origin of the present clamour and discontent? The Duke of York's mi-conduct—and what had the case of the Commander in Chief to do with the incomplete state of the representation in the House of Commons. Mr. C. was sorry to see the *tone of triumph* which had been displayed in so many parts of the kingdom upon this subject. Mr. C. was himself one who thought the Duke of York ought not to continue in office; but he deeply lamented the circumstances and occasion of it; and could see in them no cause for triumph or exultation.

Mr. Cartwright had thus freely stated his sentiments, avowing himself no friend to reform or innovation. But were he of a different opinion, and had he been an advo-

call for reform, he should not think the present a proper moment to begin upon it. We were engaged in a most serious contest with the most formidable enemy this country ever had; an enemy increasing every day in power and aggrandizement, and intent upon our destruction. He could not think it right at such a moment to sow divisions amongst the people, or encourage dissatisfaction and discontent. But it was said the general sense of the nation had been manifested in favour of reform of Parliament—he denied it to be the case—partial meetings, he was aware, had taken place, and he should mention one which had happened within his own knowledge, and in the county which he had the honour to represent. Seventeen persons signed a requisition to the mayor of Northampton to call a meeting in the Town-hall, for the purpose of thanking the honourable gentlemen who took the lead in the investigation of the Duke of York's conduct; *seventy-one* persons signed a *counter*-requisition against it, and the mayor in consequence refused to convene a meeting; and none took place in the Town-hall, but the seventeen persons met at an inn in the town of Northampton, and there passed their resolutions, which Mr. C. supposed would be represented as the sense of the inhabitants of the town. Mr. C. could not think this a fair way of estimating the opinion of the public.

With respect to the particular cases adduced by the honourable gentleman on this occasion; he should only say, that whatever the House might think it right to do hereafter, whatever regulations or restrictions might be determined upon in future, respecting the sale and disposal of seats in Parliament, it was wholly inconsistent with every principle of common equity or justice to act upon them retrospectively. There was a bill now before the House relating to the subject, and whatever might be ultimately its fate, it would undoubtedly receive a cool and impartial consideration. He should give his decided negative to the motion.

Lord Milton did not know whether in the observations of the honourable gentleman who had just sat down, that honourable gentleman had a right view with respect to the honourable gentleman who had brought forward this motion, but certainly he had not a right view with respect to those who should support his motion in a modified form. If he had thought that this motion was an

interposition to parliamentary reform, that honourable gentleman should not have been the first to oppose it, or he himself should have had the honour to object to it in the first instance. He did not think that any practical benefit could result from entertaining the question of parliamentary reform. But there were circumstances attending this case which demanded parliamentary inquiry; he meant the palpable interference of government with the votes of individual members of that House. This practice was dangerous to the constitution, if permitted to be continued. As to the other parts of the charge, he would not impute any blame, either to the noble lord, or the right honourable gentleman, who had withdrawn. Whether the whole were proved or not against them, there was nothing criminal in these parts of the charge because all governments had acted in the same manner; but the interference with the votes of individuals was an abuse which might be productive of much public inconvenience. He had considerable objection to the proposition of the honourable member as it stood, because he all could recollect the inconvenience attending examinations at the bar. The inquiry might be referred to a parliamentary commission or to a committee above stairs. Though he should oppose the motion in its present shape yet, as he thought the charge ought to be entertained, he would move an amendment, "That the matter of the charge be referred to a committee above stairs, and that they be directed to report thereon."

Sir *Charles Morgan* observed, that it was the duty of every man to make a stand now, in support of the dignity of that House, and of the happiness of the people. He did not wish to see every public man, who is at present or may at any time be employed in the administration of government vilified and calumniated, and themselves thus rendered incapable of serving their country; therefore he should object to the motion. Would the honourable member stop here—would he be satisfied with his present victims? Certainly not: more, many more, would be brought to be filtered through the vessel of reform. He did not wish to see a new order of things. He did not wish to see the valuable time of that House taken up in inquisorial proceedings against several of its own members instead of being engaged in forwarding the public business. He had heard much of the sense of the people

No man valued the approbation of the people more than he did, or regretted their disapprobation more; but this was a case in which he could not suffer himself to be influenced by any thing but his own impressions. He should therefore give the motion his decided negative.

Sir John Anstruther rose to oppose the motion, not from any partiality to the individuals who were the objects of it, but from a partiality to the constitution of the country, because these individuals formed a part of the executive government under this constitution. If this proceeding should be adopted against the present government, a similar proceeding might be directed against any other government. The honourable gentleman who brought forward this motion, had stated that he was no party-man. Did the honourable member mean by that declaration, that he did not agree in the opinions of the great body of those who sat on the same side of the House with him? If he did, he had stated a great truth. But there was another party, to which he did not know whether the honourable member belonged; nor should he be solicitous to inquire, if the motion of the honourable gentleman was calculated to promote the views of that party. The object of that party was to level every thing that was above themselves. Being unable to level up, they were determined to level down. Though he did not say the honourable member belonged to that party, he must say, that his motion was calculated to promote the views of that party. The honourable member had, however, acted with candour; because though he said he should begin with Cashel, he also stated that he should not stop there, but go on to other cases, to a series of investigations, which he meant to institute in that House. He first meant to go to the government, and thence he would go to individuals, so that no person could possibly conjecture where he might stop. But his objection to the honourable gentleman's motion, and a considerable objection it was, that he had not stated what he meant to do in the Committee. He should have taken his whole case at once, and not proposed to go on with the business by piece-meal. The course the honourable member had in view was to go to one Committee with one point, and then to another on another point, and so in succession, which would lead to endless committees. This motion had been represented as the first step to parliamentary reform. All who know the practice of his

He must know that he was no friend to parliamentary reform; but this motion formed no part of that question. The honourable member proposed, by putting information on the table against one member, and then against another, to prosecute his object in a succession of charges. But this would have no effect but to gratify that appetite for slander, which had been excited amongst certain descriptions of the people, and to create and keep alive a taste for reform. Indeed the motion would lean not to parliamentary reform, but to parliamentary destruction. But here he begged to be understood not to mean, that to bring charges for abuse or corruption against any individuals in that House, would lead to parliamentary destruction; quite the reverse. It was to bring charges upon such information as the hon. member had given to the House, that he thought would lead to destruction. He agreed with the noble lord (Milton) that it was desirable to resort to prospective measures, to prevent the influence of the crown upon the votes of members of that House: but to refer this charge to a Committee up stairs, was not the way to attain that object. What he condemned was the mixing prospective measures of prevention with retrospective crimination. When the noble lord (Milton) who stood so high for honour, loyalty, and honesty, had stated, that if the whole of the charges were proved, he should not think the worse of the individuals to whom they referred, would the House think that there was any good ground for entertaining them? The honourable baronet then proceeded to animadvert upon the charge, and the ground laid for proceeding with it. He contended that it was brought forward, not on information but surmise; and that if the honourable member had received any information upon the subject, it must have been through the breach of every principle of honour that exists in civilized society: and that the information derived from the rascality of a few persons, or the general surmise of the honourable gentleman, was made the ground of a charge which would gratify the appetite for scandal, which had been industriously excited in the public mind. The honourable baronet again objected to the Committee, because the measure brought in by his honourable friend (Mr. Curwen) shewed a disposition in the House on all sides, to provide prospectively against the evils complained of. As to the sense of the public, that House never would,

because it never could, resist the fair and legitimate voice of the people. It should not, however, suffer itself to be influenced by clamour, but maintain a steady integrity, neither yielding to the influence of the crown, nor giving way to the clamours of the people, anxiously to do its duty with fidelity, and to deserve the gratitude of an affectionate people.

Mr. Curwen had never risen in that House in more difficulty, because his wishes and his duty inclined him each to adopt a different line of conduct. His wishes prompted him to put an end to this question at once; but a sense of duty made him feel that something was due on such an occasion to the dignity of that House, to the nature of the charge, and to the character of Parliament. He agreed with the noble lord behind him (Lord Milton) that the more eligible course would be to refer the charge to a Committee above stairs. The charge was of such a nature, that if the honourable member had brought it forward lightly, or upon weak grounds, or should fail in substantiating it, much injury must be the consequence to the public. He did not himself believe that the honourable member would have brought forward this charge without having good grounds for it. The House was placed in an embarrassed situation by this charge, which consisted of two parts: the first was that of undue influence used to bias the votes of members of that House; the second, that corrupt means had been employed to procure the return of members to Parliament. The charge he considered a grave one, and if the House should pass over it without notice, he must think that it had dealt out a hard measure of severity to his Royal Highness the Duke of York; and yet if this charge should be gone into, it was impossible to say where the investigation of such charges would end. If there had been endeavours made to create an improper feeling in the country, he should condemn it as much as any man; but he was persuaded that the sentiments which had been expressed had sprung from the people; and certainly not from any feeling of triumph over the illustrious person, whose case had given rise to the expression of these sentiments. He could not suppose, that the people of this country, who had, during the last twenty-five years, manifested such an affectionate attachment to their beloved sovereign, could in this instance have been capable of such feelings with re-

spect to one of his family. It was morally impossible that their sentiments could have been so changed at once. The honourable gentleman opposite (Mr. Cartwright) had said, that he was for the existing state of things. For himself he could say, that he was for the constitution, but not for its corruptions; and the best means of preserving that constitution would be to correct any abuses which may have crept into it. Though a friend to rational reform, he did not think the present a proper time for bringing forward this measure of parliamentary reform. That question would better be deferred to another period. But no time could be unreasonable for the correction, and all ought to speak in a decided manner against corruption. He should wish, therefore, that the part of the charge relative to influence exercised to sway the vote of an individual member of that House should be examined. If he, however, had any influence with the honourable member, he would have dissuaded him from bringing forward this motion; because it may lead to enquiries, which might be attended with very injurious consequences; and the honourable member must have observed a disposition in the House to prevent such abuses as his charge referred to in future, from the reception which the measure he had the honour to propose had met with. They should, if possible, cast a veil over the past, and take measures to prevent the recurrence of the evils complained of in future. He lamented the vote he should be obliged to give for the motion of the honourable member. But he was in such a situation, that he must do it, or do nothing.

Mr. Biddulph supported the motion, which in his conception related in no way to parliamentary reform. He never adopted the opinion that all public men were corrupt; but whether the assertion were true or false, the best way of deciding it was by investigation.

Sir F. Burdett said, that on a question which so nearly concerned the character and honour of the House, he was anxious to hear the opinions of persons of more experience than himself. The subject under consideration, was one of the most important that could engage the attention of Parliament; and one in which the character of the House was more involved, he could not well imagine. As to what related to the point of order, he would undertake to shew, that in whatever point of view it was considered, the

conduct of his honourable friend, as well on this as on a former occasion, was strictly parliamentary, and that it was supported by usage and precedent. He had written down the proceedings on former occasions, and from a great variety of precedents from the earliest period of the constitution to the present time, he could shew that the House had always received the assertion of a member in his place, as information sufficient to exercise its inquisitorial functions. In exercising these inquisitorial functions, in the better times of our ancestors, it was not the practice when a member preferred charges to retort upon him—to question his motives, and the authenticity of the facts into which he proposed to inquire. Formerly they decided that even common fame was sufficient ground for investigation. By this he did not mean mere rumour in the streets, but that general kind of report and understanding which came within every man's knowledge, and obtained his belief. He should like to see the man who would stand up in that House, place his hand upon his heart, and say, upon his honour, that he did not believe that such abuses existed, as it was the object of his honourable friend's motion to investigate. He did not believe there would be one found who would stake his veracity and character upon such a point. Why was there such a reluctance to entertain this question? Was it from the dread of French principles? Why, this was the very way to avoid the danger of such principles, and the dreadful consequences that flowed from them. Did any man deny that the fact he charged did not exist? If there did, he should be glad to listen to his arguments, and to be confuted by his reasoning. This was the only nation in Europe which was not subverted by French principles, and he feared now by French arms. The people of England asked for no innovation; they called for nothing that was not their right. He was not surprized that those persons who, on a former occasion, called for accusation in a "tangible shape" should perceive the folly of their conduct, and now shrink from an investigation into what they called falsehood and calumnies. He would now, with the permission of the House, say a few words on the subject of that dreadful monster parliamentary reform. A noble lord (Milton) with an indiscretion honourable to himself, perhaps, and incidental to youth, had expressed himself decidedly against agitating the question

at this time; and indeed, his sentiments seemed to go the length of condemning the principle of the measure altogether: this was not the proper time for discussing the propriety of a measure which he conceived indispensably necessary to the salvation of the country; but when the time did arrive, he would be prepared to support it. The noble lord had also said, that he should not think a bit worse of ministers if they were found guilty of these charges. In this sentiment he perfectly coincided with him, though not precisely upon the same grounds. A gentleman under the gallery (Mr. Cartwright) had talked a great deal in praise of the blessings of the constitution, and the liberty we enjoyed, but did he recollect that this was an instrument upon which another tune could be played? Where he saw beauties, other persons could only perceive deformities. For his own part, he wished for no innovation. The principles that he was anxious to see adopted were to be found in the statute book. It was impossible the constitution could exist if its vitals were to be palsied by corruption. He considered it a great happiness that the country looked to the House for redress, and if they refused inquiry, the undoubted conclusion would be, that they wished to shelter the persons against whom the charge was made by his honourable friend, and that these persons were guilty. An honourable member (Mr. Curwen) was of opinion that his bill would preclude the necessity of any investigation of this kind. Now he was not quite so sanguine respecting the efficacy of that measure. The effect of it, he thought, would be to leave the corrupt borough in the market, and take the purchaser out of it. The effect of it would be to throw all the corrupt representation into the hands of the treasury, who had other means of corruption in their power besides the mere giving of money, and to render it impossible for a man of great landed property and local influence to find a person to represent that property and influence. One word more with respect to informality. He could perceive that the accusation made by his honourable friend was not agreeable to the feelings of the House, but he would maintain that he was strictly parliamentary. He informed the House of the facts, and he offered proofs of the charges. That was the whole extent of the motion before the House, and it would be seen by their decision that value they set upon the future opinion of the country.

Mr. Giddy observed that no government could remain in stability except property and power were united. If the executive and legislative branches were in opposition, one or the other of them could not long exist, for the very contest would produce dissolution. One great advantage of Parliament, as it was at present constituted, was, that all the great interests were represented. With every deference for the landed interest, he wished to see other species of property represented. He wished to see other members there besides the mere proprietors of estates. He wished to see able statesmen, who had devoted their lives to the difficult and important science of politics. He wished to see intelligent and well-informed lawyers in the House; and he trusted it would be conceded to him that it was proper that the army and navy should be represented. He had even no objection that the India interest, and all the great mercantile corporations, should have persons in the House to take care of their particular interests. He fully coincided in the sentiments expressed by an honourable member who spoke early in the debate, that the practical good which resulted from the constitution was not to be hazarded for a fanciful blessing. He must vote against the question, but with this declaration, that where a case of flagrant corruption was well made out, no man would be more ready to pursue it to condemnation.

Mr. Tierney said, that at any other time, the motion made by the honourable member would have deserved the most serious attention of Parliament; but on the present occasion, he felt it his duty to oppose it. He felt considerable difficulty upon the point of order. All the arguments applied to the first part of the proposition, and none to the last. There was no written document before the House relating to the present charge, whereas in the precedent of Mr. Shepherd, there was a positive written charge. The subject of accusation was reduced to writing, and afterwards taken into consideration by the House. But on this occasion there was no charge delivered in at the table, and he therefore felt a difficulty how to proceed. There was, however, one part of the charge which had nothing to do with parliamentary reform, and upon which the House might proceed without danger or difficulty. It was that part which related to the attempt of one of his majesty's ministers to influence the vote of a

member of that House upon a question that more deeply engaged the feelings of the people than any that occurred within his memory. The case of Lord Castlereagh had nothing to do with that subject. As for the charges against Mr. Perceval and Mr. Henry Wellesley, he should be ashamed to entertain them; but that a member of that House should induce another to vacate his seat rather than vote against the Duke of York, was a constitutional offence which could not be too severely reprobated. The noble lord stood in a peculiar situation. He had been already found guilty of corrupt practices by 167 members of that House; and, therefore, the charge preferred by the honourable member, if it stood even on slighter grounds, should not be rejected. That charge should be separated from the other, and made the subject of a specific inquiry. There would be no possible inconvenience in such an investigation. As to reform in Parliament, he would take that opportunity of declaring, that he was still attached to it, and if, as men grew older, they grew wiser, he was even more persuaded of the necessity of a temperate improvement of the constitution at a proper season, at this time, than he was when he first applied the little share of talent he possessed to that great measure. But this was the most improper period at which it could be brought forward. The time was inconvenient and no very sanguine expectations of success could be entertained, for the country had expressed no wish on the subject. In fact, no good would arise from agitating it, because the sense of the country was not for it. What made it start up at the present moment? Why, the ferment excited by the investigation into the charges against the Duke of York? Some persons endeavoured to persuade the people that parliamentary reform would be a radical cure for all the abuses which were disclosed in the course of that inquiry. But those who had taken the pains to examine the causes of this ferment in the public mind, found that the weight of taxation rested at the bottom. It was the taxes of every kind, and particularly that which exacted a tenth part of every man's income, that were the whole occasion of this ferment. To people who felt sore and irritated from the pressure and inconvenience resulting from the rigorous collection of these, it was held out that parliamentary reform would be a complete cure. Now there could not be a greater and more

mischievous abuse of public confidence and credulity than this. It was the foulest abuse that ever was practised on the country, to hold out a hope to it that by any thing Parliament could do, its burthens would be in the least alleviated. There would, however, be no danger in the theoretical discussion of the question. But on all former occasions no such proceedings as he had witnessed for the last two months had taken place. An extraordinary cry was raised against what was called party men. Now he could not conceive how any man could do good in that House but by being a party man; by party he did not mean personal hostility, but that fair, legitimate warfare that was sanctioned by custom and precident. The honourable member who brought forward the motion disclaimed being a party man. Now if there was a man in the House whom he should suppose to deserve that appellation, it was the honourable gentleman. He conceived he had the honour of belonging to his party, for he had acted with him for a number of years. But it seemed the honourable gentleman had formed new attachments, and enrolled himself with those who were at one time a party, and at another time not a party. He wished to know the true character of this novel association. Are they a party, or are they not? He should suppose they were. First, they come into the House as a party, and as a party they discuss such questions as are suited to their tastes and particular tenets. The loss of an army, a brilliant victory, or the expenditure of millions, are subjects undeserving the consideration of these gentlemen. Who their leader was, time would shew; but a leader they must have, and he would advise them to chuse one as soon as possible, that in the absence of any of these candidates for popular favour, the House might know whom to address. The great object of these persons was stage effect. All their motions and speeches were framed with this view. They came always by surprize upon the House. They stated that they have no wish to turn out the present ministers; and yet at the very moment they make this declaration they have charges in their pockets, which when preferred, have the effect of turning two of these ministers out of the House. The honourable member protested against these exhibitions, of what Mr. Burke called the shameful parts of the constitution, and opposed the first part of the motion. He

approved, however, of appointing a select Committee to investigate the charge against Lord Castlereagh.

Mr. Speaker explained the point of order, and said, that an oral charge was held to be sufficient ground for hearing evidence at the bar.

Mr. Whitbread said that he heard the very able speech of the last speaker with much pain; but he had this consolation, that he had heard the same sentiments uttered from the other side of the House, and ably refuted from that on which he was. He had heard them urged with unrivalled eloquence by a statesman now no more (Mr. Pitt), and he trusted with less effect than they would be on this night. An honourable gentleman had told the House the last time that this subject was brought before them, that he would as soon return thanks to Mrs. Clarke for her virtue as to the honourable mover for his patriotism. He did not think that this expression was orderly or just. The meaning of it was obviously this; that the honourable mover had no more of patriotism than Mrs. Clarke had of virtue. When it was said that there were public men who professed exquisite purity, he would give his opinion generally of public men. He did not believe that any public man could pretend to act with such perfect purity, as to say that his motives were altogether unmixed. As for himself, he conceived himself an honest man, and yet he would avow that he never acted from motives altogether unmixed. He thought no honest man would say, that his motives were altogether unmixed, nor would he believe it of Cato himself. He would, however, always act to the best of his judgment for the good of the people, even although such conduct make him unpopular, either in that House, or out of doors. He believed that parliamentary reform must sooner or later be carried, and he thought it would be better that it should be done quickly. He was convinced that if it had been passed many years ago, the American war might have been prevented, and possibly the nations of the continent of Europe would have now been in a state of peace and independence. He did not wish to go into wild theories, but those principles to which Mr. Pitt, at all times, declared himself friendly, and which Mr. Fox, if now alive, would have supported with his whole heart: to such principles he professed himself attached, and he must give them his sincere support. He allowed that in the present case, Mr. Quintin

Dick had conducted himself in the same way that many others had done who wished to get a seat in Parliament; but when a serious charge was brought against two ministers for taking money for the purpose of returning a member, he did not see how such a charge could be got rid of. It was acknowledged that the money was paid, and that the person was expected to vote with ministers, but when upon a particular occasion he could not conscientiously support those ministers, he had it signified to him that he ought to resign his seat. The charge was for using most corrupt means to procure the return, and for using corrupt influence to prevent a member of the House from voting according to his conscience. As to the argument which came principally from the other side of the House, that this was an attack upon all public men, he must observe, that those gentlemen did not use those arguments when they were in opposition, and the case of the Hampshire election was before the House. At that time they thought the interference of Mr. Fremantle, the Secretary of the Treasury, in persuading an elector of a great county to give a vote, was an offence which deserved the severest reprehension; but when Lord Castlereagh or Mr. Perceval procured, not an individual vote, but an actual return for a sum of money, then they thought it was an attack on all public men, if not upon the constitution itself, to take notice of it.—(*Loud cries of hear, hear!*) As to what had been said of the unprecedented course of appointing wide-wasting committees, he would observe, that in what was called the corrupt times of Sir Robert Walpole, a committee had been appointed for investigating the transactions of a period of no less than ten years of that administration. He himself had not chosen to attend those popular meetings which had been so much adverted to; and the very reason which prevented his attendance was, that he knew, that in 1792, their meetings gave a handle to the enemies of reform. That cause had, however, since made such great progress, that he doubted whether the enemies of it could again take such an advantage. At that time the artificial cry which was set up against all reformers, amounted in many instances to a severe persecution. There was a remarkable instance of this sort in Scotland, with respect to a man of the first-rate genius, the Poet Burns, who obtained the situation of an exciseman. He was suspected

by the great men there, of being a friend to reform; and upon that suspicion, without giving him any notice, or hearing what he had to say in his defence, he was on the point of being turned out of his situation, which he would have infallibly lost, if it were not for the exertions of his friend, Mr. Graham. When he was called before his superiors, upon the charge of being a friend to reform; they told him "that his business was to act and not think, and that he had nothing to do but to be silent and obedient." This instance shewed to what extent the persecution had prevailed, in consequence of the cry against jacobins and reformers. One of the greatest geniuses which this empire had ever produced, was told by antijacobin writers "that he had no business to think;" and that if he ventured to give an opinion on reform, he and his family should be turned out to starve. He, however, so far disagreed with many of the reformers, that he did not wish the House to be altogether purged of placemen. He thought the House would indeed lose a great deal of its dignity and importance, if there was no minister in it, whom they could call to explain his conduct in the government: he, however, thought there were many of the placemen who ought not to be permitted to have seats in the House. As to revolutions on republican ideas, he hoped that there was not a man who supposed that he was fool enough to wish to exchange the solid comforts he now possessed, for a few days' fleeting popularity, followed by that sort of exit which the prominent men in revolutions were so much exposed to (*Hear, hear!*). As to a republic, he would not wish to live under such a government, but he still thought that despotism was worse. We happily had a medium which he wished to adhere to, the true line of the British constitution. The exultation of the people at the resignation of the Duke of York, was not from joy at his humiliation, but from the triumph of seeing, that a prince of the blood could be brought, as it were, to the bar of that House. It was justice which prevented revolutions. If a prince of the blood in France could have been brought to trial for follies similar to these of the Duke of York, there would have been no revolution in France, and the old monarchy might have continued:

"Trojaque nunc stares, Priamique vox alta maneres."

It was the want of justice, and the want of timely reform which precipitated the fate of the ancient monarchy of France, and which threatened the destruction of other countries.

Mr. Bathurst condemned the popular clamour which had been so long kept up, on account of the decision of the House upon the case of the Duke of York. He could not consent to the present motion, which he thought would give additional food and fuel to this clamour.

Lord Cochrane declared, that his principal reason for wishing reform, was, that he thought it would leave ministers more at liberty than they were at present, to attend to the great affairs of the country. It was really distressing to any Englishman at a distance from this country, to find the time of the ministers entirely taken up in parliamentary discussions.

Mr. Ponsonby thought the discussion for near five hours had been quite foreign to the subject before the House. The motion was a specific charge against two ministers for corrupt practices, and the speeches were almost entirely about the danger of popular meetings, and general questions about parliamentary reform. After this, would it be right for him to take advantage of a political adversary? No, even though he confessed there was no man on earth to whom he had a greater antipathy than to Lord Castlereagh—a man who had ruined the liberties of the land which gave him birth and destroyed the Parliament of which he had been elected a member?—yet even though he was one of the accused, he would not vote against him, because opposite in party and in politics. It had been objected, that many on each side of the House were interested in the concealment of abuses; but for his part (though he could not answer for others) he had never in the whole course of his political life bribed any man in order to get elected to a seat in Parliament. It was not his province to answer for those who might differ from him in opinion, but he could not reconcile it to himself to condemn a political antagonist for a measure which had been universally practised.

Lord Folkestone could not help differing essentially from the right honourable gentleman who had just sat down. With respect to the prevention bill which was introduced, he would be glad to know how long that right honourable gentleman, or even those opposite, had been

reconciled to it? But, even although they both did agree to the bill, what reason was that for their not adopting the present measure? Were abuses to continue in the House on that account? A curious answer was now made, and it was said that abuses were known to exist, but because they had existed long, they ought to continue longer. He remembered some time ago, when he asserted that such abuses did exist, he was very much cheered and ridiculed for saying so. Now the case was altered, and members thought it politic to allow what they had formerly denied. He had been accused also lately for making a too general assertion; and now the mover of the present question was opposed for being too specific! As far as he could see, the plain object was not who could be too general or too specific, but that the question and inquiry should be waved altogether.

Mr. Windham rose amid loud cries of question. He said, he did not wish to detain the House very long, but he could not help expressing his opinion upon the present question. Much had been said about abuses, and many members had contended that they ought to be totally eradicated; it ought, however, to be cautiously considered, lest in tearing out those abuses they should tear out the constitution also. It would be very difficult without danger to separate co-existent particles from the original substance, because those particles taken particularly might be dangerous. The very air we breathe contains particles, which, taken in themselves, were naturally poisonous, but if we were to strike out those particles, we would render the earth itself uninhabitable. So it was exactly with the constitution. He was, he believed, as great a friend to the constitution as any man, but he would take it as he found it; he would not attempt to tear out the blemish, lest he might annihilate the garment in the attempt at improvement. Lord Chatham had said he would leave the constitution as he found it, and he was not ashamed to follow such an example. He would admit there was corruption in the state—corruption from top to bottom, but more at bottom than at top. (*A laugh.*) The very proof was, that when a public man went astray, it excited a great commotion in the people—the exception proved his general rule; at all events he would not amend a general abuse by the punishment of individuals. "In short," said the right honourable gentleman, "there is a general agree-

ment between the parties, which, notwithstanding the new morality, I cannot call corrupt."

Lord A. Hamilton rose, amidst a tumultuous call of *Question, question!* and it was with considerable difficulty we could sometimes catch a few words of what he said. His lordship expressed great surprize at the doctrines he had heard delivered on the present question. One right hon. gentleman (Mr. Tierney) had declared, he could not listen to the charge, because the practice on which it was founded had long been as open and broad as the sun at noon-day. For his own part, if he understood the constitution—if he understood his duty as a member of that House—if he wished for the prosperity and tranquillity of the country, he should suppose that such a conviction in the mind of the right honourable gentleman who made it should have been a very strong reason for his voting in favour of the motion. With respect to the speech of the right honourable gentleman who had just sat down, he had with pain heard and observed that it seemed to cast such indulgence on every species of corruption, that if he had not himself heard he could not have believed. There seemed to be a doubt between that right honourable gentleman and his majesty's ministers whether there was any thing whatever to correct in the present system of parliamentary representation. If the House should unfortunately determine to overlook the present charge, he trembled for its dignity and character having any longer a place in the estimation of the people.

Mr. Wilberforce declared he never rose to speak with more pain and surprise. He thought the House ought to come to a resolution in favour of the motion for the sake of its own honour and dignity. There never was a time when under any state of things, either within or without the House, they ought to be more careful of observing the opinion of the people.

Mr. Secretary Canning declared himself decidedly hostile to the motion, because it clearly emanated from those who were the advocates of parliamentary reform; this was the first step towards that business, and those who brought it forward came reeking from public meetings, from whom they took those instructions which they had themselves previously advised. He thought it was impossible for them to say what was the opinion of legal and legitimate meetings of the people. In these meetings, those

gentlemen who had attended the motion now brought forward, had been hatched and formed; and it would, in his opinion, be an abjuration of common sense, to suppose this motion to proceeding from any other source. He begged the House to recollect what they were asked to do, and to consider that the immolation of two victims on that side of the House might only prove the means of calling for that of an equal number from the other side. They ought to look to the practical consequences of picking out, one by one, men, who, knowing the business of office, would be lamented too late, when their places came to be supplied by those who were altogether ignorant, and the state might fall a victim to such rash proceedings. He thought no circumstances could justify going into an inquiry on the present occasion. A noble lord, whose conduct generally was the admiration of the country, had freely expressed his object to be solely reform (Lord Cochrane), and from the conduct of the other supporters of it, there could be no doubt on the subject. He expressed his astonishment that any one could say this was a period in which the House of Commons had turned a deaf ear to the representatives of the people. He entered into a variety of arguments to prove to the House the necessity of putting a direct negative on the motion and amendment also.

Mr. Hutchinson spoke at considerable length in favour of the motion.

Mr. W. Smith followed on the same side.

Mr. Madocks said, that at that late hour he should trouble the House but with a very few observations. It had been said, that he brought forward this motion only as a first step towards parliamentary reform. His answer was, that he brought it forward as a subject which he thought was a disgrace to the House, and which his duty to himself, his constituents, and the country at large, called loudly on him to endeavour to prevent a future recurrence of. He had been censured because he said he was not a party man; all he meant by the expression was that he was not attached to any particular set of men, but ready to contribute his poor abilities in aid of any description of persons, who he thought acted for the welfare and prosperity of the country. The chief argument urged against his motion was, that the crime of which it complained, and which it called on the House to punish, was and had

been a common practice; that corruptions, such as that complained of, were common, and that to touch them would be injurious to the interests of the constitution and the country, which had flourished during their long existence. He was sorry he could not deny that corruption was common: it was indeed too common, and he was afraid they might truly say with the Latin poet;—

Ingrediturque solo caput inter nubila condit.

He would not, at so late an hour, trespass further on the time of the House, but, without further comment, leave his motion to their disposal.

The question being loudly and universally called for, a division took place:

Ayes - - - - - - - -	85
Noes - - - - - - - -	310
Majority against the motion	225

Adjourned.

HOUSE OF LORDS,

FRIDAY, MAY 12.

The Lord Chancellor, Earl Camden, and Lord Bathurst, sat as commissioners, and gave the royal assent to the local militia amendment bill, the Admiralty droits bill, the Scotch records bill, the sugar bill and a variety of other bills, mostly private, in all 72 in number.

HOUSE OF COMMONS.

FRIDAY, MAY 12.

STATE PAPER.

Mr. Canning laid before the House a copy of the convention between the king and his Swedish majesty, concluded on the 30th March, 1808. He said, this convention had been alluded to in his majesty's speech on the opening of the session, and would have been sooner laid before the House, but that it was necessary to accompany it by some communication which, under the existing state of circumstances between both nations, it was necessary to postpone. He had now to state that no part of the stipulated subsidy had been paid to Sweden beyond the first three months.

instalment, nor would it be requisite to propose any vote more in the budget of this day. The existing state of circumstances between both countries was such as did not enable him to make any definite communication to the House at this time; but it was necessary to lay the paper before the House as a ground for the vote to be proposed.

Mr. Whitbread declared himself perfectly satisfied by the explanation upon this subject.

The place sale prevention bill was read the third time, passed and ordered to the Lords.

FOREIGN CORPS.

Mr. Whitbread rose to revive a motion which he had proposed yesterday, but which he was then induced to defer at the request of the noble lord opposite to him (Castlereagh). It was for a return of the names of all the officers attached to the foreign corps, raised under Colonel Chamilly: the various sums advanced to them in the way of allowance, or otherwise; and also their present state in his majesty's service. It did not strike him that there could be any objection to comply with the motion. The whole of those officers were known to be Roman catholics: he believed there were many of them, who from their conduct had not proved themselves to be men of the most unexceptionable character, although there were many others whose conduct was certainly irreproachable. It was, however, pretty extraordinary, that in 1794, when the letters of service were issued to French officers to enlist French soldiers from a military prison into his majesty's service, a positive refusal was given by the government of the late Duke of Bedford's request for a commission for the command of his own armed tenantry in the defence of his own country, under an apprehension that to trust that nobleman with the command of his own armed tenantry, would have been dangerous to the state. The honourable member concluded by moving for the return above stated.

Lord Castlereagh said, that he only requested the honourable member yesterday to postpone his motion, in order to have an opportunity of consulting with others, how far it might be advisable to grant the return. Upon the fullest consideration, however, it was thought that the names of those officers, and their present situations in the service, could not be communicated without exposing

them to great hazard and injury at some future time; and, upon this account only, he must resist the motion.

Mr. Whitbread said, that the names of those officers were by no means secret; they were inserted in an authentic list of the army, published monthly, and must be known to every body desirous of learning their names. Therefore, he must consider the reason assigned by the noble lord as a mere subterfuge for withholding the document he required. He could not, however, avoid remarking again, that while his majesty's government had thought fit to refuse the late Duke of Bedford a commission for the command of his own tenantry in the defence of his native land, as too dangerous a confidence to repose in a nobleman who differed from them in politics, and also to refuse to Lord Petre a commission for the command of 400 of his own infantry, armed and clothed at his own expence, for the like purpose, upon no other pretence than that of his being a Roman catholic; still they felt no hesitation in granting to Colonel Charmilly, a Frenchman, an utter stranger, and a roman catholic, letters of service to recruit French soldiers at the door of a military prison, for his majesty's service, and at a bounty of sixteen guineas per man; and afterwards, when they deemed it expedient to disband this regiment, to turn them loose upon the public. One of the motions he made upon a former night, was for an account of the money advanced to Colonel Charmilly, but to this no proper return was made. He must therefore press the present motion, and take the sense of the House upon it.

The question was immediately put, and the House divided.

Ayes, 29 Noes, 51.

BUDGET.—WAYS AND MEANS.

The order of the day was read for going into a committee of ways and means. Upon the question that the Speaker should leave the chair,

Mr. Parnell rose, and objected to going into the committee at present, as the annual accounts had not been laid before the House in time to have them printed, and in the hands of members previously to the opening of the budget.

Mr. Huskisson apprehended, that the honourable gen-

tleman would not wish to postpone the budget on this account. By law, these accounts were to be delivered in by the 25th of March in every year, before which time it was impossible, on account of the multiplicity of papers on the table, to prepare them; and it was not till lately that the budget was opened so late as the 12th of May. This used to take place before Christmas, and it would always be utterly impossible to get the accounts printed before the opening of the budget.

Sir John Newport doubted this impossibility, since Irish accounts could always be ready. It was of no consequence to lay them before the House if they were taken away for so long a time to be printed; and he thought that either they should not be taken away for this purpose, or that duplicates of them should be provided.

The Speaker informed the honourable member that upon a vote of the House duplicates were always laid upon the table; and as to the length of time lost in printing, the honourable member would recollect that of all printing, figure printing was the most tedious and intricate.

The Chancellor of the Exchequer asked if the only advantage to be derived from laying these annual accounts on the table, was their consideration on this particular day?

Mr. Rose bore testimony to the difficulty of getting the accounts ready even by the 25th of March.

Mr. Parnell said, that last session he wished to look at these accounts, and was informed that they were gone to the printer's, and that he could not see them. Duplicates of the Irish accounts, he knew had not been laid upon the table, and that led him to suppose, that the same was then the case with respect to the accounts for this country.

The account of the produce of the war-taxes was then referred to the committee; when the House having resolved itself into the committee, Mr. Wharton in the chair,

The Chancellor of the Exchequer rose, pursuant to notice, to submit to the committee a statement of the ways and means of the year. In proceeding to submit the resolution with which he meant to conclude, for ratifying the contract, made this morning by the treasury, for a loan of 14,600,000*l.* to complete the ways and means of

the year, it would not be necessary for him to take up much of the time or attention of the committee by any introductory remarks. The satisfactory nature of the contract, and the advantageous terms for the public, upon which it had been concluded, would be sufficient to entitle it to the earnest attention of the committee. Without further preface, therefore, he should proceed to the important duty he had to perform, in stating the supplies which had been voted for the service of the present year, and then in succession the correspondent ways and means which had been provided to defray those supplies. The committee would observe, that there were but few of the supplies which he had to enumerate, which had not been already voted; but as he went along, he proposed to point out what were yet to be voted by Parliament.

The supplies voted were—

For the navy, exclusive of ordnance	£591,500	£18,986,967
Army	16,247,127	
Barrack Department	579,563	
Commissary-general's Department	1,102,651	
Extraordinaries	3,000,000	
Excess of last year's expenditure	215,379	
Making a total for the army of		21,144,720
For the service of ordnance for England	5,275,298	
For Ireland	626,877	
Total ordnance		5,902,175
Miscellaneous grants already voted	817,468	
Permanent miscellaneous grants for Ireland	427,894	
Other miscellaneous grants proposed to be voted	624,638	
Making a total for miscellaneous services for the two parts of the United Kingdom		1,900,000
Vote of credit	3,000,000	
Vote of credit for Ireland	300,000	
To make good the advance to Sweden	300,000	
For his Sicilian Majesty	400,000	
Making the total joint charge for the United Kingdom		51,934,912

From this total joint charge was to be deducted 2-17ths, which were to be defrayed by Ireland, and which amounted to 6,293,966*l.* which made a gross total to be provided by England (including the deficiency of the malt tax for 1807; and the interest of exchequer bills, which was one million five hundred thousand pounds), of 47,588,024*l.*

Having thus stated the supplies which had been voted, he next came to a statement of the ways and means with which it was proposed to provide for those supplies,

Malt and pensions		£3,000,000
War taxes		19,000,000
Lottery		300,000
Surplus of ways and means of last year in consequence of exchequer bills founded	£2,757,352	
Exchequer bills issued under the 49th of the king funded	3,154,700	
Exchequer bills issued under 48th of the king funded	1,366,000	
Total exchequer bills		7,268,052

He had already stated that the amount of exchequer bills which had been funded, was 7,933,900*l.* It had been proposed to fund eight millions of exchequer bills, pursuant to the resolution which he had the honour to propose in a preceding period of the session; and though the operation did not proceed to the full extent expected, he was happy to be able to state to the committee, that the sum actually funded under the bill of the present session, amounted, within a fraction, to the sum originally proposed.

Sum appropriated to defray the deficiency of last year	£576,246
In the hands of the paymaster of exchequer bills for interest on the same, rendered useless by the funding of exchequer bills, and appropriated to defray the interest on the three millions due to the Bank	230,000

It was proposed also to issue exchequer bills to cover the vote of credit, 3,000,000*l.* The loan for the year was fourteen millions six hundred thousand pounds, of which three millions were for Ireland, and six hundred thousand pounds for the prince regent of Portugal, so

that the loan for England was 11,000,000*l.* The whole of the ways and means thus provided amounted to 47,718,052*l.* Supplies already stated, 47,588,024*l.* giving a surplus of ways and means of 130,028*l.*

He had now to state to the Committee, and it was with satisfaction he should state, the terms upon which the loan had been contracted for that morning. The loan was taken in part in the 4 per cents. partly in the 3 per cents. and partly in the long annuities. The particulars for every 100*l.* subscribed,

4 per cent	£60	0	0
3 per cent	60	0	0
Long annuities	0	8	10

The amount of interest that would thus be paid on each 100*l.* by the public, calculating it upon the present prices of the respective funds in which the loan was contracted for, would be 4*l.* 12*s.* 10*d.* a rate of interest, at which the public had never before been able to borrow money!—*(hear! hear!)*—and at which it was hardly possible for any individual, however well secured, or prompt his payment may be, to procure a loan. It was not amiss to state in this place the terms upon which, according to the convention entered into with the Prince Regent of Portugal, the loan of six hundred thousand pounds to that prince was to be secured both as to the payment of interest, and one per cent. sinking fund as the repayment of the principal. The funds which had been assigned for that purpose consisted of the revenues of the island of Madeira, together with a consignment of such produce of the Brazils as belongs to the Prince Regent to his agents in this country, which property was to be placed under the management of these agents, and the proceeds appropriated to the payment of the interest and sinking fund, and the liquidation of the principal of the loan.

He had already stated that the total amount of Exchequer bills funded was 7,933,900*l.* The capital created by that operation amounted in the 5 per cents to 7,877,308*l.* in the 3 per cents, 336,336*l.*; amounting in the whole to capital created 8,253,654*l.* The total charge upon this capital was 495,221*l.* The amount of interest on the loan for both countries was 1,113,566*l.*; being for England, 651,945*l.* and for Ireland, 492,221*l.*

It might be satisfactory to the House that he should here make a comparison between the terms upon which

the money had been raised for the service of last year, and those upon which he had been able to effect the loan for the service of the present year. The amount of Exchequer bills funded last year did not exceed four millions, and had been funded at an interest of 5*l*. 4*s*. 9¼*d*. with a sinking fund charge of 1*l*. 1*s*. 2½*d*. per cent. making together a charge of 6*l*. 5*s*. 11¾*d*. The interest on the Exchequer bills funded this year was 5*l*. 3*s*. 1½*d*. which with a charge for sinking fund of 1*l*. 0*s*. 9*d*. made a total charge of 6*l*. 3*s*. 10½*d*. per cent. being less than the charge incurred upon a similar operation last year; and this though the operation in the present year was considerably less than that of last year. The loan of last year amounted to eight millions, and was raised at an interest of 4*l*. 14*s*. 6½*d*. per cent. while the loan of the present year, amounting to more than fourteen millions, had been raised at an interest of 4*l*. 12*s*. 10*d*. It would consequently be a satisfaction to the committee to perceive, that, notwithstanding the circumstances of the country, notwithstanding the increasing difficulties of, and the unavoidable increase in, the public expenditure, yet the pressure had not borne upon the wealth of the country so as to disable it from making these exertions which the exigencies of the times call for. It was a proud consideration for the country, that though the financial operations required for the present year were greater than those of the last year, still, under the pressure of the war, the terms upon which they had been effected were more advantageous than in any former instance, which manifested opening prospects of prosperity, and shewed the preference given by those whose opinions usually govern such transactions, to the circumstances and character of the present period. If the sinking fund were included in the estimate of the terms of the loan in both years, it would give a charge upon the loan of last year of 5*l*. 18*s*. 2*d*. per cent. whilst the charge upon the loan raised in the present year did not exceed 5*l*. 17*s*. 2½*d*.; and including the terms upon which the whole sums were raised in each year respectively, the comparison of charge was upon 18,693,263*l*. raised last year, 6*l*. 0*s*. 9*d*. per cent. upon the sum of 21,200,000*l*. raised in the present year, 5*l*. 19*s*. 11*d*. per cent. being an advantage of 10½*d*. per cent. in favour of the present year. This comparison he felt it necessary to make for the satisfaction of the committee,

and in order to shew that though the circumstances of the times required an increased expenditure, yet the confidence of the public had not been depressed, but was enhanced. In addition to this statement respecting the circumstances of the loan, and the increased confidence of the monied market, he had the satisfaction to add, that the gentlemen who had taken the loan were not likely to lose by it, as it was already at a premium of 1¼ per cent. Having stated the amount of the total annual charge to be 1,143,566*l.* it became his duty, in the next place, to state the manner in which he proposed to defray that charge. When he had last year proposed some taxes, in addition to the means that had fallen in within the year, he mentioned that he was induced to that proceeding, by the consideration, that it was better to supply by new taxation the difference between the means that existed, and the sum necessary for the charge of the year, than to act upon the principle, which had been adopted by the noble lord opposite (Lord H. Petty), about two years ago, which principle he had acted upon in the preceding Parliament. The principle upon which that noble lord had proceeded was, that it would be more desirable to apply to the war taxes for three successive years than to resort to any new sources of taxation. In the year in which the noble lord had adopted that principle, it had been acted upon; last year it had not, though but very inconsiderable addition was made to the permanent taxes. In the present year it was his intention to apply to the war taxes, to provide for the greater part of the annual charge created, and not to impose any new tax whatever. He would not, however, be understood, when he declared his intention to apply to the war taxes this year, as meaning, that in any future year he should adopt the same principle. The noble lord had suggested the propriety of suspending the taxation for three years. He was ready to do justice to the noble lord for his intention to act upon his own principle, and was sure that he would have his concurrence in adopting it for the present year. Thus it would be acted upon during two years instead of three, as the noble lord originally proposed. Yet if the noble lord should continue of opinion that the principle should be still further acted upon, he must allow, as he had distinctly stated on a former occasion, that a system adopted in contemplation of a given rate of expenditure should

continue to be acted upon, if that expenditure should be increased. All those who supported the proposition of the noble lord would, he was sure, approve of his adoption of the principle for the present year, and think it a wise policy to abstain from new taxes, by drawing upon the war taxes. The whole of the charge would not, however, be to be defrayed out of the war taxes. There was a bill at present before the House, for the consolidation of the customs, by the operation of which, by the way of regulation, he expected to obtain an addition to the permanent taxes of 105,000*l.*: and in this calculation, he believed he was within the sum that was likely to be produced. An addition, to nearly the same amount, was to be expected from the operation of the Consolidation Bill, in the war taxes. The sum so gained, would be applied in diminution of the annual charge, so that he should not have to apply to the war taxes for more than one million.

He had suggested the propriety of taking a Vote of Credit for three millions for England; but he trusted that it would not be expected that he should go at any length into an explanation of the manner in which that sum may be applied. But there was one circumstance arising out of the present state of the Continent, which he felt it to be his duty to communicate to the House. Under the existing circumstances of the Continent, it was not at the present moment thought desirable, that any definite arrangement should be entered into, which should give rise to any expectation that his majesty would furnish his allies with any very considerable pecuniary assistance. However anxious his majesty's government may be to assist them in the struggle in which they were engaged, it was not their intention to hold out to those allies any expectation of pecuniary aid, during the present year, to a greater amount than would be covered by the Vote of Credit proposed. He had also to state, that, though no treaty had been entered into with the Austrian government previous to the war, nor any engagement made with that power, yet an expectation did exist on the part of that power, as to what this country would do in the event of a war taking place. In consequence of this impression, without having had any communication with his majesty's government, the Austrian government, on the commencement of the war, had drawn bills upon this country, which bills it had not been deemed

right to pay, until the circumstance should be mentioned to Parliament. When the bills arrived, he would confess, that it was the intention of his majesty's ministers, to advise his majesty to recommend to Parliament, to enable him to pay them. If it should meet with the concurrence of the House, it was proposed to pay the bills out of the Vote of Credit. (What is the amount of these bills, was asked across the table by Lord H. Petty?). It was not easy to ascertain yet; they might perhaps amount to three hundred thousand pounds. But before any appropriation would be made for the payment of these bills, it was considered absolutely necessary to procure the consent and sanction of Parliament. This subject was not at that moment open for any discussion, nor could it properly until some specific vote should be proposed upon the subject. The occasion, however, of stating to the Committee the ways and means of the year, appeared to him to afford the most appropriate opportunity of communicating this circumstance to the House, which upon every ground ought not to be kept back from Parliament without whose concurrence no money could be appropriated to the case. Having gone through all he had to state, he concluded with moving a resolution for agreeing to the terms of the contract for the loan.

On the question being put,

Mr. N. Vansittart wished to know whether any or what portion of the war taxes was to be saddled with the charges of the loan.

The Chancellor of the Exchequer replied, that the whole of the charges were to be discharged from the war taxes, and particularly that part of them which came under the head of Excise.

Lord H. Petty wished to offer a few observations on one part of the right honourable gentleman's statement, and particularly that which related to the bills drawn by the Austrian government. The propriety of that step would depend on the previous relations between the two countries, an explanation which, he presumed, his majesty's ministers would feel it their duty to offer to the House before Parliament rose. That explanation would determine whether that most extraordinary step was to be attributed to his majesty's ministers, or the Austrian government. It would be impossible for him at present to touch further upon the subject, without trenching on that

wider subject, the propriety of granting subsidies to the Continent. On that difficult question he would not attempt to lay down any general principle, for it was a question that must be always tried and determined by a particular reference to the cases that might arise, and to the circumstances under which the subsidies were required. This, however, he should not hesitate to state, that great deliberation should precede any such issues of the public money, and that the considerations which influenced it should be most seriously weighed. If, indeed, any argument should weigh against the system of subsidising, it would be found in the abuse of the periodical advances which this country had been of late in the habit of making to continental powers. It was notorious that some of these were diverted from the specific purposes for which they were granted; and that others were entirely inadequate to the objects they were intended to effect. This was particularly the case with regard to the Swedish subsidy. At the very time that they were projecting retrenchments in the civil list, they were in the constant practice of remitting sums to Sweden equal to the whole amount of that branch of the national expenditure. The treaty with Sweden, according to the statement of ministers, had three objects in view. In the first place we were to obtain by it a greater facility for commercial arrangements, and specific advantages that should enable us the better to enforce the Orders in Council. Secondly, we were to adopt and establish such a military concert with that power, as would enable her to carry on a successful war. The present condition of Sweden shewed how that particular object of the treaty had succeeded. The third object was to provide for the maintenance and pay of the Swedish army. The recent revolution would shew how that object was answered. And here he must express his poignant regret at the fate of that monarch, and unqualified condemnation of the measures by which he was placed in his present unhappy situation. But if there was any circumstance more than another to which that unjustifiable event could be attributed, it was to the circumstance of the army not being properly paid. It appeared, therefore, that no one object of the treaty was answered; but the very reverse of what was proposed and confidently expected took place. With this example staring them in the face, and the considerations

arising out of the particular circumstances of the times, and the state of this country, the House would be cautious how they sanctioned the system of subsidies. Let it not be supposed from what he said, that he meant to express an absolute condemnation of the principle. He had no such intention. On the contrary, should an occasion arise to justify such an application of British resources, he would consent to very great sacrifices. To the loan itself, and the principles upon which it was negotiated, as well as the mode proposed for meeting the charges upon it, he gave his cordial approbation and concurrence. He was happy to find that the right honourable gentleman had adopted the plan of not adding to the burthens of the people. He could not, however, entirely approve the intention of mortgaging any part of the war taxes. It would, he was persuaded, be productive, though not immediately perhaps, of much inconvenience. Besides, an indefinite mortgage of these particular taxes might tend to excite an apprehension that they would be ultimately converted into permanent burthens. The practice also tended to undermine and weaken those great sinews of war. With regard to the terms of the loan, he partook in the general satisfaction of the House. They were convincing proofs of the confidence and prosperity of the country. Although he might perhaps entertain some objections to the particular funds in which they were made, he could not withhold expressing how happy he felt at so decided a proof of our national prosperity.

Mr. Secretary Canning rose to reply to some observations which fell from the noble lord in the first part of his speech. They were those that related to the practice of subsidizing foreign powers. It was impossible to lay down any general rule on this subject. In any assistance that we may deem it adviseable to afford foreign powers, the propriety as well as the extent of that assistance must depend on the value of the effort to be made, and the particular circumstances of the country at the time it was solicited. With respect to Sweden, if the House would look back to the transactions of the last four years, and particularly to those of the last eighteen months, they would find that it was owing to no instigation or advice, or excitement on the part of this government, that Sweden was engaged in a war so far above her means, and the issue of which had proved so disastrous to her. This was parti-

cularly true since the ratification of the treaty. Sweden was told repeatedly that this country would see with satisfaction any arrangement for her separate interests, provided that arrangement did not oblige her to become hostile to Great Britain. His majesty's ministers, far from feeling any objection against Sweden concluding such a peace as she might find necessary or advantageous, always declared that they were ready to absolve her from any engagements, under the stipulations he had just mentioned, which might stand in the way of such an arrangement. They did not indeed push this principle to the extent of withholding the supplies they had engaged to furnish that power, and by such means placing her at the mercy of her antagonist, and compelling her to sue for peace. When he laid the treaty on the table, he informed the House, that the relations between this country and Sweden were not such as to render a continuance of the subsidy necessary. The same objections to continuing it existed at present. The 300,000*l.* required was not to provide for future payments to that power, but to make good arrears that had accrued. With respect to Austria, under the present circumstances, the noble lord could not expect he should say much; but thus much he felt it incumbent on him to say, that in any communication between the Austrian government and his majesty's ministers, there was on the part of the latter the same abstinence from advice, or instigation of any kind, which he had stated with respect to Sweden. If this was true respecting Sweden, it was pre-eminently so as applied to Austria. In what Austria had done, she acted entirely from herself. She was the best judge of her true interests. She neither asked nor received advice from his majesty's government. It never was their disposition, for the sake of a temporary diversion in any quarter, to commit her in a contest, and particularly a premature contest with France. The war in which she had voluntarily engaged was strictly upon Austrian grounds. It was not connected or combined with any British object or interest. The communications with the Austrian government were few and precarious, and in none of these communications was any specific promise of assistance held out to her. It was indeed stated to her, that if she was likely to be engaged in an inevitable contest, there would be a disposition to assist her; but that that disposition would be greatly limited by the circumstances of the times. In-

ded the assurance in this respect was so restricted, that he had his doubts whether it would operate rather as a check than an encouragement. There were also physical obstacles in the way of making remittances, which should convince that power that she was not to place much reliance upon promises of assistance, even though less restricted, from this government. The preliminary, however, to any assistance, was the restoration of the former relations between the two governments. This was considered as a just atonement to this country, and it was necessary to enable his majesty to make any communication or application to parliament. With respect to the bills mentioned by his right honourable friend, he could confirm what was already stated, and assure the House that the Austrian government had no authority for that measure. The bills were drawn by the Austrian Treasury, on the supposition that the person authorized to restore the former relations between the two governments would reach this country time enough to explain the necessity of that step, and the circumstances that enforced it. It would not be expected that he should make any harsh comment on the conduct of the Austrian government; but he could assure the House that measures had been taken to stop the recurrence of a practice so inconvenient in many respects, among which the very prejudicial effect that it would invariably produce on the course of exchange was not one of the least. No time was lost in transmitting a friendly remonstrance to the court of Vienna on the subject, and pointing out the inconvenience of the practice. They were told that if it was done at all, it must be done with the consent of Parliament. Whatever extent of assistance was to be afforded to Austria, or to any other power, it was not thought proper, for reasons that were obvious, to define it. It was thought best that his majesty should come to parliament and ask such assistance, in the shape of a vote of credit. When circumstances changed in every quarter, not only every month, but almost every day, it was impossible to measure the extent of the assistance that it might become the liberality, or be necessary for the interest of this country to afford. The confidence that Parliament might find it advisable to repose in his majesty's government, would not be abused. The resources that were placed at their disposal would be managed with caution, and all the discretion of which they were capable. It was unnecessary for him,

at this period of the rendering relations with Austria, to say more on the subject.

Mr. Ponsonby said, he was glad to hear the declaration of ministers, that they had always left Sweden the option of making peace whenever it could be done with advantage and security; but with regard to the subsidy, there was this material difference between parliament and government, that the former could only grant, but the latter could apply the resources voted, and he thought it therefore unfortunate that the payment had been continued for the last three months. With regard to Austria, his hope was, that no exertion this country could make in pecuniary assistance could do her any good, but it might lead to very great inconvenience to ourselves. Nothing was well and felt how painful it was to deny Austria at this, perhaps, her last struggle, the aid of which she stood so much in need; but it was at the same time necessary, and a paramount duty, to attend to the feelings of the people of this country; and it was his decided opinion, that no assistance in our power to give to Austria could essentially benefit her in the present melancholy, and he feared disastrous contest. When the emperor of France had successfully wielded the sword against Austria, and destroyed her power, we should have solely to contend against his immense exertions; and it became us, therefore, most carefully to husband our means.

Mr. Secretary Canning said, this was not the moment for going into the subject of the amount to be given to foreign powers, and therefore he should abstain from any further notice of what had fallen from the right honourable gentleman on that head.

Mr. Whitbread said he had rather we had made a direct present of the 600,000*l.* to the Prince of the Brazils than granted it as a loan. It was quite childish to expect we should ever receive a shilling of it either one way or another, and he would therefore be glad that the people should know it, that their expectations might not be disappointed. He remembered well that when the Austrian loan was some years ago brought forward by *Mr. Pitt*, great stress was then laid by that statesman and his coadjutors on the infinite benefits which would arise to this country, and the security which was derived from his majesty having a power to sue the Emperor of Austria in his own courts. He was one of those who (at the moment

it was so pompously held forth) thought it ridiculous in the extreme. Others, however, entertained of it a different opinion, and the consequence was, they were extremely mortified and disappointed, while he had only to lament the folly and credulity of putting any confidence in so ridiculous and unsubstantial a privilege. But with respect to the Brasils, what produce could we receive from thence that would at all compensate us? Was it sugar? No: In short it would, he believed, puzzle the wisest of his majesty's ministers, to define from what part of her productions we were to derive advantage in the attainment. The right honourable gentleman had been explicit with regard to Sweden; but did not we recollect, that in addition to the subsidy, there had been an expedition sent out last year under that gallant officer, whose loss we had now so much reason to deplore, (Sir J. Moore), which had done nothing but create an enormous expence, and which, if the money of the people of England had not been voted away, might have been avoided? With regard to the present subsidy to Austria, he could by no means consent to the payment of the bills drawn in the manner in which the right honourable secretary had stated, without notice, and without authority. On this head, he coincided in opinion with his right honourable friend near him (Mr. Ponsonby), and thought from the beginning—from the first moment he had heard of it, that it would be madness to drive Austria into the present unequal contest. If Buonaparte was not confident he could cope with both, there could be no doubt but he would have relinquished Spain. Austria, without adhering to treaties, had begun operations. Buonaparte, it was evident, had long been perfectly sensible of her intentions, and had taken his measures accordingly. He had contented himself with keeping Spain in check, and he (Mr. Whitbread) had no doubt but that Buonaparte would be at Vienna before the remonstrance of ministers against the mode and manner of drawing these bills could arrive there. He (Mr. Whitbread) was of opinion that ministers had shewn great want of wisdom not to advise Austria to be quiet. After being dragged into the former war by Russia and England, and actually conquered, she ought unquestionably to have adhered with fidelity to her engagements. If a subsidy to Austria had been proposed, he would have opposed it, though he had stood

single and alone on a division of the House. In fact it appeared to him they must be fools and madmen, in persisting to think that Austria could succeed in a contest with France by means of English gold. These bills had, however, been drawn without authority; and the House, before they agreed to pay them, ought to look at what we were contending for. The right honourable Secretary had declared, that no pecuniary assistance had been offered, and it was matter of most reasonable doubt, whether the people of this country should be drawn in to pay. Austria having taken this rash measure without our consent, we were not bound to make it good, and the House ought to set its face against it. With the exception of Spain, he did not see any part of the world, in which a British guinea could be of essential service in enabling them to carry on a war. There, indeed, while any life was left, there might remain some hope, and he would therefore much rather have had the vote of credit for Spain than for Austria. That would be granting it in a moment of weakness, and it might be of service; but to any subsidy to Austria, whether for 50,000*l.* or 500,000*l.* he would not consent.

Having said thus much on that head, he begged to offer a few observations on a matter of domestic consideration contained in the ways and means for the present year. He meant the lottery. Whoever had seriously considered the subject had agreed, that it was one of the worst and last modes of raising money that could be resorted to. Mr. Pitt declared that when war ceased, there should be no more lotteries. It was a most destructive mode of gambling, language was inadequate to describe fairly the woes and miseries attendant on it. The business of insurance could not be prevented. That hydra of destruction to the morals and the purses of the people, could not be stopped in the wasteful ravages it made. There was a man in the pay of government who was employed to check this abominable practice (a Mr. Wood), but he had declared before the committee, that it was so interwoven with lotteries, that it became in a manner necessary, if not to countenance, to wink at it. He wished to know if this man was still in the same situation. If he was, it was a matter of doubt with him, whether he should move to turn him out of it. If he did, he should not be surprised that the country gentlemen should make their

stand at it, and determine that as these iniquities had always been winked and connived at, it would be dangerous to remove a man, who, like Mr. Wood, was thoroughly practised in this trade of fraud, tyranny, and deceit. There had been a great cry, and it was had been passed to stop and prevent the *Little Goes*. If, however, the state manage in the way they do, they will become more numerous. But what signifies the *Little Goes*, when the state had its *Great Go*. It was idle and ridiculous to pretend to stop the destructive consequences of either, while the language held out, was neither more nor less than this; If you go to the *Little Goes*, you shall be punished, but if you come to the Great Go, you shall be safe. He was very unwilling to detain the House, but there was one melancholy instance of the mischief attending this immoral mode of raising money, which he begged leave to mention. A woman in the middle class of life had unfortunately been seized with this lamentable mania of making a fortune by insurance in the lottery. Induced venturing upon this sea of chance, she made away with all the money she was possessed of for family uses; and then, by way of retrieving her loss, she secretly and unknown to her husband, as was generally the case in these transactions, pledged first one and then another article of domestic furniture, till almost the whole was gone, and her ill luck still attending her, she was reduced almost to despair at the idea of being obliged to inform her husband of the imprudence of her conduct. She found, however, it was not to be avoided, and at length confessed her fault, and owned what she had done. The husband happened to be a man of a noble and generous nature, and being sensible of the amiable qualities of his wife, and satisfied with every other part of her conduct, he most humanely and instantly pronounced his forgiveness, which had so sudden and powerful an effect on her feelings, that it deprived her of her senses, and she now remains a miserable living monument of this detestable gambling, engendered and supported by lotteries. The honourable gentleman related this fact with a degree of feeling that most sensibly impressed every one who heard him, and he concluded by saying, "that having brought it to a point beyond which he thought it could not go, he would by his vote record his objection to this mode of raising money."

Mr. Ponsonby reprobated the idea, which the honourable member (Mr. Whitbread) seemed to entertain, of Austria's having broken faith. Austria was bent upon France only, because France was bent upon her. When his honourable friend talked of the perfidy of Austria, he should expect to hear next of the good faith of Buonaparte.

Mr. Canning could not agree with the honourable gentleman (Mr. Whitbread) that ministers would not do their duty, if they did not exhort Austria to peace; it might be wise in Austria to make peace, but not in England to advise it.

Mr. Whitbread, in saying a few words in further explanation, observed that the compliment which had been paid by the right honourable secretary (Mr. Canning) to his right honourable friend (Mr. Ponsonby), and which he believed was the first of the kind, looked very like a subsidy to win his right honourable friend over to the other side.

Mr. Ponsonby said, he should accept no such subsidy.

The Chancellor of the Exchequer said, that if the honourable member, (Mr. Whitbread) wondered how his right honourable friend (Mr. Ponsonby) could make up his mind that Austria had not been guilty of bad faith, he himself (the Chancellor of the Exchequer) agreed with the honourable member. With respect to the subject of lotteries, that question was not to be definitively discussed to-night; and he begged gentlemen not to conclude that, because all attempts to suppress insurances had failed before, they would of necessity fail again. All those circumstances which the honourable member (Mr. Whitbread) had painted in such animated colours, were the consequences of insurance, and that might be removed. The lessenment of the days of drawing the lottery had diminished insurances *pro tanto*; and if the lottery were drawn in one day, as the right honourable Chancellor of the Exchequer flattered himself he could arrange it, there would be no insurance for days of drawing at all. He therefore entreated the House not to form a decisive opinion upon this subject till a future period.

Mr. Wilberforce could not rest satisfied without expressing upon this subject an opinion formed after much inquiry and consideration. His right honourable friend said he could not put a stop to the evils of insurance;

and he was sure his right honourable friend persuaded himself of that, or he would not for much more than 300,000*l.* sacrifice the victims it occasioned; but after the great men who had preceded his right honourable friend in the administration of the country had persuaded themselves it might be, and had been put an end to, without this being the case, he thought his right honourable friend flattered himself. Insurance, however, was not the only evil of lotteries. By dividing tickets into small shares, a spirit of gambling was disseminated which was attended with the most serious evils to the lower classes. If they came to the productiveness of the lottery tax, it would be found to have diminished from 600,000*l.* to 300,000*l.*; and there was never any thing more true than that the sum which appeared to be sacrificed to morality would be far more than repaid other ways. By suppressing lotteries, many would remain to enrich the country with their labours, whom the lottery would reduce into habits of idleness and extravagance. Where there was one instance of suicide and robbery consequent upon lotteries, there were a thousand instances of smaller evils. It was eighteen or twenty years ago, since the honourable member had first divided upon this question, and this lapse of time found his opinion unchanged. He had always protested against the measure, and now that its profits were so small, he hoped it would be dropped.

Sir T. Turton spoke at some length on the subject of the loan, which, he contended, might have been more advantageously made in the most marketable stock of the country. He commented upon the enormousness of the demand of 28 millions for the expences of the army; and wished to direct the views of economists to the diminution of the standing army. He urged the unfairness of the property tax, which fell as heavy upon an income in short annuities which had a year to run, as upon landed property of 30 or 40 years purchase.

Sir S. Romilly rose to say a few words on the subject of lotteries, a discussion which he conceived by no means irregular at present, as he understood it was agreed that this was the time when any debate on that subject should take place. He was not a little surprized, in his right honourable friend's budget, to hear the lottery stated as a matter quite of course, and no notice taken of any thing which had been done by the Committee the House

had authorized to sit upon that subject. The honourable and learned member knew that lotteries had some advantages with all their evils; but former administrations had not the information about them which the present had; and the House now stood with respect to lotteries, as it had done with respect to the slave trade; if the guilt were suffered when its extent was known, it became more heinous than before. He thought his right honourable friend very much flattered himself when he said he could prevent all the evils of lotteries, and if their only evil consisted in the small shares into which the tickets were divided, the honourable and learned member thought that was enough to demand their abolition. His right honourable friend's plan would only diminish the degree of their mischief. The House had been lately considering of a law for the prevention of crimes; and now it was about to sanction one for their encouragement. The House should recollect, that to induce to the purchase of lottery tickets, the very wits of man were called into action, and the most ingenious paragraphs written. The honourable and learned member could point out paragraphs in the newspapers inducing apprentices to throw away their money on lotteries by stories of others who did so, and are now riding in their coaches. Formerly lotteries were confined to the metropolis, now they extended to every part of the kingdom. He could be content with nothing but their complete suppression.

The Chancellor of the Exchequer said, that a public bill of this sort could not go through the House without another opportunity of discussing it. He did not think that the report of the lottery committee had brought a single fact, of which former administrations were not aware. The subject had been discussed over and over again; and taking the whole report into his consideration, he saw that the evils which it described were not the consequence of purchasing lottery tickets, but of insuring them. To this he had directed his attention, and thought he should in future obviate all possibility of this insurance taking place.

Mr. Whitbread avowed his determination to take the sense of the House on this subject; and read extracts from the committee's report upon the examination of Mr. Wood, the inspector of lotteries, appointed by government. This man had a salary of two hundred and eighty-

five pounds a year; and being asked what duties he had to perform, answered "none." He had grossly contradicted himself in his evidence, in the course of which he at first said, that illegal insurances did not exist to a great extent: and then talked of insurances without which lotteries could not exist. The honourable member asked whether this man still received his salary. If you'll agree (continued he, looking to the Chancellor of the Exchequer) to a motion of which an honourable friend of mine has given notice, you'll save this paltry sum, which you wish to gain by a lottery.

The Chancellor of the Exchequer said, that Mr. Wood's evidence alluded to two different species of insurance; the one on drawing, and the other taking place among contractors only. In answer to the honourable member's question, the right honourable gentleman had only to say that Mr. Wood considered himself to have a claim for his services, and the right honourable gentleman really thought there was no ground for any report going to his prejudice.

Mr. William Smith mentioned one nuisance of lotteries which had not been before adverted to. He was intolerably disgusted with the bills upon the subject, which were posted in every quarter of the town. When I do not see the king's arms at the top of them, but when I know that government sanctions them, I do feel sentiments perfectly and entirely nauseous.

Sir John Newport, Mr. Babington, and Mr. Scrope Bernard, said a few words against lotteries; after which the several resolutions were agreed to, and the House was resumed. The report of the Committee was ordered to be received on Monday; on which day it was resolved the House should go into the Committee again.

A bill to permit the trade between Great Britain and America, to be carried on in ships belonging to the United States, was read a first time, and ordered for a second reading on Monday. After which the other orders of the day were disposed of, and the House adjourned.

HOUSE OF LORDS.

MONDAY, MAY 15.

Lord Erskine then moved the order of the day for the second reading of a bill to prevent wanton and malicious

cruelty to animals. As the law at present stood, his lordship said, that this species of cruelty was undoubtedly punishable; but the cases in which it chiefly came under the cognizance of the courts were where the parties were considered rather as injuring the property of their masters, or other persons, than as being guilty of a violation of those duties which we owe to the lower creation. He wished to restrain a description of beings, who knew little more of the laws of their country than that they afforded them too much facility for ill-treating the animals under their care. His object was to prevent such men, when reprimanded for their conduct, from retorting with bitter curses, and asking whether the animal belonged to their reprover?

His lordship distinguished between the dominion which man might justly exercise over the lower orders of the creation, for his sustenance and convenience, and the duty, though one of imperfect obligation, which he lay under, of not abusing that power so as to put the animals under his protection to unnecessary pain. The preamble of the bill asserted this principle to the furthest extent that morality and religion could carry it; because he looked to a degree of efficacy from the solemnity of that sanction, beyond what he could reasonably expect from the enactments of the bill.

His lordship regretted, that the bill for preventing bull-baiting had miscarried in its progress in the other House; and much more so the opposition which it met with from a man (Mr. Windham) of the most brilliant genius, the most accomplished mind, and the most refined humanity; but whose understanding was, nevertheless, a little awry upon this point. In the present bill he had introduced no specific provision as to that practice. If bull-baiting did not, in the estimation of magistrates and juries, come under the description of wanton, malicious, and unnecessary cruelty, then it would remain untouched by the bill; but if it did, in any case, then of course it would be punished, and he was certain that his friend, the person he had just alluded to, would be the last man in the kingdom to justify the offender.

His lordship then proceeded to consider the enacting part of the bill, declaring the offence to be punishable as a misdemeanor; and, from various analogous questions upon which judges and juries were every day called upon

to decide, he argued that little difficulty would be practically felt in determining whether in any particular case the offence charged had been committed, or whether no further pain had been inflicted than might be deemed necessary for the purposes of correction.

The noble lord severely reprobated the practice of running horses, to great distances, against time, where the very formation of the bett was something beyond what was to be expected from the ordinary powers of the swiftest animal. He also adverted to a set of men called *Naggers*, who buy up worn out and disabled horses, upon a speculation of how long they can be made to draw under the application of the severest torture, or for the purpose of being cut up for dog's meat; in which latter case they are kept without sustenance of any kind, and until the state of the market requires their being butchered.

The Lord Chancellor approved of the principle of the bill, but thought the application of it attended with some difficulty. That, however, was a matter of consideration for a Committee, and in that stage of the proceeding he would give the measure ever possible attention.

The bill read a second time.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 15.

Mr. Whitbread rose to call the attention of the House to a subject, trivial certainly in one point of view, though of some importance in another, and relative to which he proposed to offer a motion. It was a disgusting circumstance which ought not to exist; namely, the appointment of a person to the office of ordnance store-keeper in Hyde-Park, with a salary of 120*l.* a year, a comfortable house to live in, with allowances of coals, candles, and other perquisites; and this a person who never had served the country an hour in army or navy, and also a foreigner. This situation ought to have been conferred on some meritorious old officer, worn out in the service; and many hundreds of such, he was sorry to say, there were pining out the evening of life in penury, any one of whom would be glad of such a situation. The person who held this appointment might have been for years perhaps the faithful servant of some honourable gentleman or noble lord who, no doubt, recommended him to the patronage

of the master-general of ordnance. It was certainly right that long and faithful services should attach the regard of a master to his servant, and it was desirable that meritorious persons in such stations should have comfortable provision for old age; but then persons in opulent circumstances should make that provision at their own expence, without trenching on that source which should exclusively belong to military men who had claims upon the generosity of their country, when worn out in her service. The honourable member concluded by moving for a copy of the appointment of Christian Frederick Wolter to the said office of ordnance store-keeper in Hyde Park, and an account of the salary, and all emoluments attached to the said office.

Mr. W. Pole said, he was the person who had five years ago recommended this Mr. Wolter to the situation, in consequence of an application from Lord Chatham, then master of the ordnance, to him, requesting him to look out for a trusty person to fill that office; and it was he also who had named the salary of 100*l.* as a reasonable allowance for the service. Mr. Wolter, he said, certainly was a Hanoverian, who had been 37 years in England, the greater part of which time he had been a faithful servant in the employment of Mr. Villiers, and maintained an unimpeachable character. Had he (Mr. Pole) conceived the employment which required constant attendance to be of such a nature that a military officer could look upon it as acceptable, he certainly should have recommended the place to be filled by such a gentleman; but having no such idea, he recommended the present store-keeper, and took upon himself the whole reponsibility for whatever was blameable in the appointment.

After some explanation from Mr. Whitbread, the motion was agreed to.

OFFICE SALE PREVENTION BILL.

Mr. Ponsonby noticed a difference between the disposal of offices in the courts of chancery of England and Ireland, which he wished to have remedied.

The Chancellor of the Exchequer said, it was in the power of the right honourable member to prepare a clause to that effect, which Mr. Ponsonby expressed his determination to do.

Lord Folkestone observed, that as he had viewed the bill, there were several misdemeanors noticed in it, for which (with the exception of advertising) no penalties were to be inflicted: this he wished to have remedied. He had formerly wished that those who gave information concerning the sellers of offices might be indemnified; an objection had been made that informers might, in that case, retain the offices of which they might become thus unduly possessed. He thought, however, some provision was necessary, and as he had prepared a clause upon the subject, he moved, that the bill "should be recommitted." —Agreed to.

The House then resolved itself into a Committee.

Lord Folkestone proposed a clause, inflicting penalties on misdemeanors, and giving 500*l.* to those who informed of the corrupt disposal of offices, withholding however the possession of those offices from such informers.

The Chancellor of the Exchequer objected to the clause, as he thought many infamous scoundrels might be tempted by the offer to induce men to sell out, and that they themselves would buy merely in the hope of the 500*l.* which they would receive for the subsequent information. He would, however, be rejoiced to hear every argument on the subject, as his object was to make the bill as perfect as possible.

Mr. Tierney and Lord H. Petty supported the clause.

A long conversation ensued, in which Mr. Rose, the Lord Advocate of Scotland, the Attorney-General, Mr. Croker, the Solicitor-General, Mr. Fuller, and the Chancellor of the Exchequer opposed the clause, on the ground that it held out a double temptation—immunity, and the reward to informers, which might endanger the security of innocent persons, by inducing profligate informers, for the sake of the reward, to criminate parties no way implicated, in which case character might not always be a sufficient protection against false but uncontradicted evidence.

The clause was on the other hand supported by Mr. Tierney, Mr. Ponsonby, Lord Folkestone, Mr. Horner, and Sir John Newport, on the ground, that though they all deprecated the system of informers, yet they considered this clause absolutely necessary to give efficacy to the bill; and besides, if innocence should not be a re-

curity against the informer under this bill, no man could be considered safe from informers in any case.

A division then took place,

For the clause - - - - -	31
Against it - - - - -	74
Majority - - - - -	43

The bill was then gone through, and several amendments made in different parts of it; after which the House resumed, and the report was ordered to be received to-morrow.

IRISH DISTILLERY REGULATION BILL.

Mr. Foster moved the order of the day for the second reading of the Irish distillery regulation bill.

On the question that the bill be now read a second time,

Mr. Barnard was concerned that he felt himself obliged to oppose this bill; but he was adverse to it in principle. It was not a bill that would assist the collection of the revenue in Ireland, but would encourage the illicit trade. It was contrary to the recommendation of the commissioners of inquiry in Ireland, who suggested the expediency of encouraging licensed distillation in Ireland, which would create a market for the farmers in those parts of Ireland where there were no legal distilleries established. For these reasons he moved that the bill be read a second time this day three months.

Mr. Stewart approved of the principle of the bill, but had objection to some of its clauses. He should, therefore, vote for its going into a Committee, where his objections might be removed.

Sir George F. Hill was surprized at the motion of his honourable friend for putting off the second reading of this bill. Having been privy to many conversations between the distillers and the Chancellor of the Exchequer for Ireland, he bore testimony to the attention with which every suggestion from them was received, and was sure that the fullest consideration would be given to any amendments which honourable gentlemen might be disposed to propose in the Committee.

Mr Parnell supported the amendment, and thought it right upon principle. The right honourable the Chan-

cellor of the Exchequer for Ireland ought either to have adopted the recommendation of the commissioners of inquiry, or to have proved to the House that the recommendation was wrong. In the year 1786, Scotland was similarly circumstanced, as to distilleries, as Ireland is at present. The introduction of licensed distillation into Scotland corrected the evil, and consequently the same remedy would be effectual in Ireland. The present bill went to amend the old system of laws now in existence, which ought to be altered, and, therefore, should have his decided opposition; and because it did not give encouragement to small distilleries.

Mr. Foster was equally astonished at the amendment, as at the manner in which it had been supported by argument. The bill was intended to amend the existing laws. These were known to be defective, and ought to amended. There was not a clause in the bill contrary to the recommendation of the commissioners of inquiry. The laws in existence, though requiring amendment, had raised the revenue arising from distilleries from 700,000*l.* to 1,200,000*l.*, and in the half year from the 1st of January to June last year, when the prohibition took place, the revenue produced had amounted to 900,000*l.* He left the House to judge of the efficacy of laws which could produce that increase. The leading principle of the bill was to encourage small stills, with a view to create a market for the farmers in every part of the country. Illicit distillation could not be put down till the people of Ireland, the gentlemen, and farmers could be brought to co-operate with the government. He should be happy to attend to any suggestion in the committee, and trusted that his honourable friend would consent to withdraw his amendment.

A very long discussion then took place between the former speakers, Sir John Newport, Colonel Barry, Mr. French, Mr. Dennis Brown, Mr. O'Hara, Mr. Huskisson, and Mr. William Smith, in which it appeared to be the prevailing idea that the bill ought to go into a Committee.

Mr. Barnard stated that as he found his object could not be attained in the Committee on the bill, he would agree to withdraw his amendment.

The Irish excise regulation bill was also read a second time, and ordered to be committed on Wednesday.

On Mr. Rose's moving the order of the day for the second reading of the Martinique trade bill,

Mr. Marryat rose and contended with great ability, that even the influx of sugar into the market, although it might reduce the price for a time, would finally bring the continental purchaser into the market, and things would resume their level.

HOUSE OF LORDS.

TUESDAY, MAY 16.

WRIT OF ERROR.

Counsel were heard at the bar on the writ of error in the case of the sentence on Hart and White, the printer and editor of the *Independent Whig*, now confined in the jails of Gloucester and Dorchester.

Mr. Clifford contended, at some length, that the sentence pronounced was irregular, and contrary to law. For this purpose, he cited various cases, drawn from different periods of our history, from which he endeavoured to shew that the court of King's Bench could, constitutionally, execute its sentences of imprisonment only in its own prison, or in the prison of the county where the act was committed for which punishment was inflicted, or in the prison of the county where the court was sitting. It was, he said, one of the principal grievances alleged against the oppressive court of star chamber, that they sent persons to distant prisons. He maintained, that in the case drawn from the best times, where the judges had departed from the constitutional practice, they had almost invariably assigned some particular reason for such a deviation. It was only in very recent times that this practice had become more frequent. He then alluded to the cases of Gilbert Wakefield, Redhead York, and Kidd Wake, and argued that such instances by no means created precedents to justify a practice, if such practice were contrary originally to the law and constitution of the land. He quoted the words of the late Earl Camden concerning general warrants, who had expressly said that the practice of public officers, though the instances might have been frequent, and passed over, were yet not to be considered as sufficient precedents for their justification, and could not be considered as the law of the land. In such cases as the present, the poverty of individuals might frequently prevent them from ascertaining the validity of the practice. His next great objection was to judgment, as

as founded on the wording of the information which charged the parties with commenting on the conduct of a court of justice, without stating whether those comments were true or false. How would a sentence upon such an information affect an individual with respect to the severe necessity he was put to of finding security for his good behaviour for five years after his imprisonment came to an end? How difficult might it be to procure securities, when ill behaviour was so loosely defined in the information? Might it not operate as a kind of perpetual imprisonment? A man could hardly carry on such an occupation as that pursued by these parties, with the least safety, if he were liable to be accused of misbehaviour for merely commenting on the conduct of a court of justice. He concluded with a forcible and eloquent appeal to their lordships, who, he trusted, would not encourage or sanction a practice that in worse times was considered so oppressive and unconstitutional, but which, peculiarly under the milder reigns of the House of Brunswick, ought not to be allowed.

The Attorney General replied to Mr. Clifford, and contended that the judges had done nothing but what the law of the land fully enabled them to do, and justified them in doing. He was almost surprized to find that any text writer had thought it necessary to declare that they had such a right; yet, however, he found it distinctly stated in Hawkin's Pleas to the Crown (from which he read an extract) that the Court of King's Bench could send either to their own prison or to any other prison in England. Indeed this was the law and the common sense of the case. The court of King's Bench was the chief and presiding criminal court in the kingdom, and was not confined, after the manner of some inferior county courts. He then produced a great number of instances to prove, that persons were punished by imprisonment in a district or county distant from that in which the court sat or the offence was committed. In some cases, persons who had committed crimes in places as remote as Somersetshire and Devonshire were imprisoned in Newgate, in the city of London. In other cases, sentences of pillory and public whipping were executed in two or three places, as for instance, at Westminster, the Royal Exchange, and in Southwark, all in different districts. As to the insisting on security for good behaviour, it was a constant practice towards

libellers, and could not merit the appellation of perpetual imprisonment; for if the party could not get a security, he was, at the end of those five years, free, there being then nothing on which the question could attach. But, if otherwise, it was too much to say that there was oppression. No: it was the man's own fault, if his friends were so fearful of his again committing the offence for which he had suffered the merited punishment of the law, that they would run no risk to procure him his liberty. He was confident of the legality of the sentence, and he thought whatever might have been said by Lord Camden of the practices in the office of a secretary of state, that his lordship would have talked differently of the decision of the first court of criminal jurisprudence. As to the objection taken against the terms of the information, he observed that there were other extrinsic circumstances that weighed with the judges in considering their sentence. The man himself must know well what was the nature of his fault, and what was intended by good behaviour in future. He had been asked questions himself often, by persons who wished to know what part of a writing intended for publication could be considered as libellous. If this man asked the learned gentleman such a question, he hoped he would give such an answer as he himself had done in such cases; that he would decline giving him such information as might teach him how near the wind he could go in the work of libelling, without coming under the arm of justice. The Attorney General made a variety of other remarks in defence of the sentence.

The Solicitor General was about to follow, when the House adjourned the further hearing till Thursday next, at two o'clock.

HOUSE OF LORDS.

WEDNESDAY, MAY 17.

The hearing of counsel in the case of Frank versus Frank was postponed.

Several private bills were brought up from the House of Commons, and read a first time; others before the House were read a second time.

The Irish insolvent debtors bill and the bankrupts amendment bill were read a second time.

The chancery registry bill went through a Committee.
A number of witnesses were sworn at the bar.
Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 17.

The motion for building a monument to Captain Hardy; the Committee on the *Irish* militiaman's family provision bill; the Attorney-General's motion for a bill against seditious meetings; the Committee on the ship owners' bill; the Committee on the paupers' bill, and charitable donations bill, all dropt orders of yesterday, were revived for to-morrow; as was the second reading of Mr. Curwen's bill, to prevent corrupt trafficking for seats in Parliament. After some short conversation between that honourable member, the Chancellor of the Exchequer, Sir Francis Burdett Sir Thomas Turton, and Mr. Ponsonby, it was understood that if any discussion on the bill should take place on the motion for the Speaker's leaving the chair, to go into a Committee on the bill next Friday. The Committee on the place sale prevention bill was ordered for to-morrow, as was that on Irish glebe-houses, &c.

Mr. Madocks rose to state to the House, that as a rumour had gone forth that the question which he had the honour to bring forward a few nights since respecting the Chancellor of the Exchequer and Lord Castlereagh, was with the privity and at the instance of Mr. Quintin Dick, he felt it his duty to state that such rumour was totally unfounded; for that he had his information upon that subject from quite a different quarter, and that the motion was brought forward totally without the privity or advice of Mr. Dick.

Mr. Foster said, he had recently received a letter from Mr. Dick of whom he was the nearest relation in London, and had been the constant intimate of his father, which letter authorised him to state, that the allegement which represented Lord Castlereagh as enjoining him to resign his seat in Parliament, rather than vote against the Duke of York, was without any foundation in fact.

The House then went through a Committee of supply and a Committee of ways and means. In the latter Committee the Chancellor of the Exchequer said, as he un-

derstood the method of raising money by lotteries was to be objected to by an honourable gentleman not now in his place, the best way would be to allow the resolution to pass now, and the discussion might be reserved for to-morrow. The resolution respecting lotteries was accordingly passed, and the report was ordered to be received to-morrow.—Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 18.

WRIT OF ERROR IN THE CASE OF WHITE AND HART.

Their lordships met at 2 o'clock, and most of the judges attended.

The Solicitor General (Sir Thomas Plomer), spoke for about two hours with much animation in defence of the right of the court of King's Bench to pronounce such a sentence as it had done in the case of White and Hart, the editor and printer of the weekly newspaper called the Independent Whig, who had been convicted of a libel on that court in the administration of justice. He contended that there was no foundation for the theory laid down by the learned gentleman (Mr. Clifford) on the other side, on Tuesday last, when he attempted to maintain that the court of King's Bench had no right to execute its sentence except in a gaol of the county wherein the offence was committed, a gaol in a county where the court actually sat, or their own peculiar gaol. He reviewed the historical part of that learned gentleman's speech, and examined his arguments as drawn from the instances of distant imprisonment in virtue of sentences passed by the court of star chamber. He controverted the statement that the court of star chamber owed its abolition in any principal degree to such punishments. The punishment which gave offence to Parliament of this nature, was not one that sentenced to distant prisons (as they were called) in England, but, in the cases of Prynne, Bastwick, and others, who were sent to the islands of Jersey, Guernsey, and Scilly. It was not correct in historical fact, to say, that the abolition of the jurisdiction of that court was owing to such causes. There were other and weightier causes assigned for that measure. It was in point of fact, not

the sentences passed, but the whole proceedings of that court previous to the passing of such sentences that alarmed the fears, awakened the jealousies, and procured the votes of parliament which effected its abolition. In support of his observations, he referred to Lord Clarendon. He noticed some expressions which had fallen from the learned gentleman, respecting words used by Bastwick when undergoing his sentence in Palace-yard, and desired to know by what modern lights it was discovered that the sayings of a man in Palace-yard, addressed to the mob, were to be introduced by lawyers or received in a grave and learned assembly as matter of illustration, reference, or precedent. He observed that the cases in which the learned gentleman attempted to make out any thing in his support were all anterior to the Revolution. That learned gentleman, he contended, was, from various instances, of which he cited several from which he endeavoured to shew the weakness of his arguments, erroneous in his notions respecting the right of the court of King's Bench, even previous to the era of the Revolution. There was much said about good times and bad times; but he should like to know into what political dictionary he was to look for a definition of which were the good times, and which were the bad times. There was always enough of that sort of argument to be met with whenever legal precedents were resorted to, whatever be the nature and necessity of the case. Coming down, however, to the period of the Revolution, he believed it would be obvious that in those best times, the mode of punishment now asserted to be illegal, was most frequently practised, and yet no doubts had then been raised as to its propriety and its legality. The learned solicitor then asserted that in the times of seven chief justices and twenty-two judges, he had not less than twenty-one cases in point to offer to the notice of their lordships. Beginning with Lord Chief Justice Holt, he continued with other instances from Lord Chief Justice Parker, Lord Chief Justice Mansfield, Lord Chief Justice Kenyon, &c. up to the present time, during all which course so many excellent constitutional Puisne judges had also sat on the bench in that high criminal court; in all which cases judgment had been given and executed wrongfully and illegally, if the judgment in the present case were to be deemed illegal. He dwelt particularly on several individual cases, especially one in

which a man was found guilty of perjury before a Committee of the House of Commons on the Hilsdon election, and was sent to Hilsdon to be set upon the pillory in that place, where his example was likely to produce the most beneficial effects; and another, in which for a crime committed in Wales, the convicted person suffered at Kennington, in Surry. He mentioned another case of a distant crime, for which the execution took place at St. Edmunds Watering, Kent, and an old instance of a man sent to Portsmouth to be executed for desertion or cowardice, because that was the place where the execution of that sentence would probably be most exemplary and beneficial. He recited also the cases mentioned on Tuesday by Mr. Attorney General, and contended for the strict applicability of the most recent instances. But it was not merely on the cases he had cited, but on the general principles of the question that it ought to be decided. The court of King's Bench was the chief criminal court in the kingdom. It was so described by all the ancient, as well as modern lawyers of repute. It was so called by Coke, who stated its antiquity and its power. It had a great part of the ancient *Justiciarum Anglia*. Its jurisdiction was called *capitalis* and *generalis*, to shew its universality and general superintendence. Hawkins, in his pleas of the crown (one of the best writers and authorities) had fully stated its extensive powers. It could, he contended, be restricted by none of those restrictions which confined the powers of inferior county courts. And were the decisions of the judges of such a court to be treated like the practices of the office of a secretary of state, and such arguments supported merely by what Lord Camden had said of the usage of such offices; usage that had never before been made the subject of a solemn decision in a court of law, or by any arguments against the exploded practice of the exploded court of star chamber? In the many recent instances of imprisonment in distant jails, was it to be believed, that the poverty of the individuals was the reason that prevented them from trying the merits of the practice of the judges? Had they not always sufficient legal assistance? Was there not a learned lord then at that bar of which he was the great ornament, who had so often exerted the greatest eloquence the bar ever knew in defence of such individuals, and who left nothing undone that zeal and talents could effect? And would the

have left a stone unturned on behalf of his clients, if he had conceived the possibility of attacking the legality of the sentences pronounced upon them? With respect to the demand of securities for good behaviour, the practice was old, and used in the best times. It was founded on reason and justice. It was absurd to talk of its operating as a perpetual imprisonment. The prolongation of imprisonment would depend on the bad character of the individual, whose friends could not trust to his good behaviour, even after the experience that had been taught him by his confinement. As to the difficulty of understanding what was meant by good behaviour, he could not enter fully enough into the motives, views, and dispositions of certain persons to understand their difficulties on that subject. Good behaviour was what they might not easily understand, and cared little to learn. But they might easily enough learn it. There was a chapter in an elementary work, (Sir William Blackstone's) that would explain to them what was necessary to know on that subject. All the instances he had noticed were viewed by the other side as too recent. They must go up to higher antiquity, they must mount up to the conquest or beyond that period. Every thing he and his learned friend had to offer was too *young* for the *modern* school, *they* would begin *ab ovo*. The learned gentleman must know that they could not investigate accurately the nature of the sentence. The whole object of this appeal was to depreciate the character of our courts. *Humanitas*, for that was the name signed to a libellous letter in the *Independent Whig*, had considered the popular notion concerning the administration of our laws by juries as too exalted. These lovers of freedom, in their new discoveries, attacked the institutions best calculated to preserve it. The object was only to raise a ferment in men's minds, to throw discredit upon the judges of the land, and to take from our wisest establishments that public respect in which they had been held, and which they so much deserved. But the decision of our chief courts of justice, and not the speech of a man to a mob in Palace-yard, would influence that decree which their lordships, he trusted, would then, in their wisdom, give. After a number of other remarks, the honourable gentleman concluded.

Mr. Clifford began his reply by animadverting on the conduct of the Attorney and Solicitor General, in the bad

motives they had presumed, so liberally but so unjustly, to impute to those who had advised, or were concerned in bringing before their lordships the present appeal. He solemnly denied that it was done with any intention to depreciate the character of the judges of the court of King's Bench, at which bar he himself practised, and where the present judges, he was sure, if they had done any thing in the exercise of their judicial functions which was founded on a mistake, would be quite as willing to rectify that mistake, on being shewn the error, as any that had preceded them on that bench. He was confident that, so far from this measure being considered as bearing the character attributed to it, it must be seen as one which gave the best and fairest opportunity for bringing this great question to an issue, by appealing to their lordships *ex debito justitiæ*. Nothing more was attempted to be done but what the law of the land authorized, and what the cases of the individuals required. While he should forbear from following the Attorney-General and the Solicitor-General in the field of declamation and invective into which they had wandered, he must express, in some degree, his gratitude to them for the greater part of the speeches they had delivered. They put him in mind of a fable which was lately quoted by a person of eminent abilities and character, in noticing the speech of a learned gentleman in some other place; it was the fable of the ass, who went into a field attracted by a thistle, but who went round and round about the thistle, fearful of touching it. The learned gentlemen, in like manner, went about and about it, but were extremely shy of touching on the principle of the question then before their lordships. He begged to re-state to their lordships, that the constitutional and legal principle he laid down with respect to the power of the court of King's Bench, was this: that they had no right to send persons into imprisonment, in execution of a sentence pronounced by that court, except to the jail of the county where the offence was committed, the jail of the county where that court sat, or their own jail. He maintained that no case had been cited to destroy the truth of his positions. The exceptions were not such as could furnish a rule. Hardly a case could they bring to bear on the subject that had not occurred since the Revolution, and he contended that if it was not legal to do so previous to that event, that event could not possibly

make it legal. He had been told to produce an enactment to make it illegal; but he asserted that the liberties of the subject depended not upon enactments. Enactments ought to be produced to him to shew him and their lordships that the practice had been rendered legal. This was the true principle of the constitution on such subjects. What he had said of the case of Bastwick had been observed upon with a triumphant sneer, as a foolish saying addressed to the people, who are styled by the learned gentleman the *mob*. But he had seen quoted the expression of an individual suffering a punishment as a precedent on a legal opinion. He had only quoted it as an illustration of what was the general feeling at that time, for it was scarcely in human nature that Bastwick should have used the expressions he did, had they been founded in falsehood, since his hearers must have very well known whether the practice was a new one or an old custom. Bastwick, in the spirit of those times, while he complained of the practice of sending persons to distant jails, attributed the origin of the practice to the Jesuits. As to the opinion of Lord Clarendon, it should be recollected, that the fourth article of impeachment against that nobleman, stated this as one of his offences; and his lordship, being afterwards, in noticing this circumstance, states, that he thought it a hard case for him to be charged and tried for an offence which he had only been guilty of in common with others of the privy council. This was that noble lord's excuse. Reverting to the case of the abolition of the star chamber, which was said by the learned gentleman to have been occasioned by an objection to their proceedings, and not to their sentences, he shewed by a quotation from the parliamentary resolution, that the sentences, as well as the proceedings, formed the grounds of the abolition of that oppressive court. The authority he had quoted from Lord Camden had been sneered at, the memory of that learned and venerable lord deprecated, and the hallowed precincts of the tomb violated by vipperous slander. It was asked, What! would Lord Camden have spoken of the decisions of the court of King's Bench, as he did of the usage of the Secretary of State's office? No! But the House of Lords were then in the same situation relative to that court as Lord Camden, when a judge, was to the Secretary of State's office! With respect to the Hindon election, he stated a question that arose, respect-

ing the payment of the expences which the sheriff refused, and the court of King's Bench could not compel him to make them good. He wished the learned gentlemen to look into the general principles of our laws more accurately, they would see reasons for his view of the nature of county jails, and the authority of courts. These jails were the county jails; they were built, repaired, and maintained at their own expence. They were obliged to keep the prisoners, they were liable to fines for offences committed within their county limits, which it was presumed they ought to have prevented. All the jails were the king's jails, it was perfectly true, and so were all the courts of justice, but yet this was so, for the purposes of public benefit and public protection, and was limited by a variety of restrictions, conditions, and limitations. All the high roads, in the same way, were the king's roads, (though much of these might be private property); but they were the king's, for the convenience and protection of his subjects in passing from place to place. The cases of imprisonment or execution in the city of London, pursuant to sentences passed in Westminster, presented no difficulty, since in fact, the sheriffs of London were sheriffs of Middlesex, and the prison of Newgate was the prison of both. The learned gentleman went through a wide field of argument and illustration in support of the principles which he had asserted, but which our limits will not permit us to detail. He shewed the hardships of the practice of refusing sureties for a length of time after the expiration of imprisonment. He quoted the declaration of the bill of rights against excessive bail, and unusual and cruel punishments, and concluded, after a variety of other observations, a very argumentative and ingenious speech by protesting against the imputation of evil designs in this case, and deprecating such insinuations against the people of this country.

The counsel having left the bar, the Lord Chancellor rose, and briefly stated that he had no doubt on his mind respecting this question. Important as it was, it was not attended with much difficulty. It was his intention to move a question to be put to the learned judges upon the subject. His lordship then moved that a question be referred to the judges for their opinion, "whether the court of King's Bench could send any person convicted in their court at Westminster to any jail in England."

Earl Stanhope objected to the want of precision in this question. His lordship lamented that he had not been present at the commencement of this cause on Tuesday, in consequence of which he should give no vote on the subject, as he had not heard all the arguments. But he expressed his astonishment at the language he had heard that night at the bar from the Solicitor-General (for whom he had a high personal respect) imputing bad motives to the other side. His lordship mentioned several cases of punishment of recent date which he thought comparatively slight; one particularly, a case of perjury, (one of the most dangerous of crimes to society) which had only been punished by three months imprisonment. There was another (as quoted by the Solicitor-general) of a man convicted of an attempt to blow up the King's Bench prison, a crime which involved an attempt at murder, nay, at many murders, and yet only punished with three years imprisonment, and no after security required. Let their lordships compare these with the crime and punishment of these poor printers. He thought the courts should have some better scale and measure for the punishments they inflicted on crimes so different in degree.

The Lord Chancellor observed that the crime, as it appeared on the face of the matter on which those two prisoners were convicted, was one of the most dangerous description. He referred to several instances of punishments early after the Revolution, for libels, and shewed that punishments in such cases of latter times were, comparatively speaking, far from being severe. His lordship, after some farther observation, amended the question to the following effect:

"That it be referred to the judges to know their opinion whether the court of King's Bench, in the case of the conviction of a person at Westminster, could legally send such person to any prison in England, other than the prison belonging to the court, the county prison where the offence was committed, or that where the court held its sittings? And also to know whether sureties for a reasonable time, for the good behaviour of such person, could be legally required?"

On the question being handed to the judges, their lordships', the judges', opinion was delivered to the House by Sir James Mansfield, Lord Chief Justice of the Common Pleas. His lordship began by observing, that it was now

fifty years since he had been made a member of the profession of the law, and he had never during all that time doubted or heard a doubt started of the right of the court of King's Bench now called in question. Many cases had been cited which it was not his intention, or that of his brothers to enter into. A sufficient number of instances both in ancient and in modern times, had been shewn to prove the practice. The removal of persons from their friends by imprisonment was often unavoidable, and might occur in either of the cases specified. The judges had no doubt whatever upon the authority of the court to send persons to prisons in England, other than those specified in the question referred to them. As to the second point they were equally of opinion unanimously, that the court possessed authority legally to require such sureties for a reasonable time.

Lord Erskine could not act so unmanly a part as to avoid giving his opinion. He considered the appeal by writ of error as a grand proof of the excellence of our constitution, which in so many ways provided checks upon the constituted authorities of the land. The case of libel law had been brought as near perfection, as was perhaps, possible: though, in earlier life, he did not think that the practice of the courts was right and legal in some points, yet he lived to see it remedied. He could not pretend to enter into the merits of the particular case of punishment, as that was not before him, though he must say that it was a strange thing to be forward in condemning an acquitting jury. He had not been so long in the profession as the venerable judge who had just delivered the opinion of the Bench; but he had never entertained a doubt of the power of the court of King's Bench upon this point. Had he even done so, he should most certainly have availed himself of many opportunities in his professional practice for the sake of those clients who had put themselves under his protection to bring the question to a solemn discussion.

After a few words from the Lord Chancellor, his lordship put the question, and the judgment of the court of King's Bench was unanimously affirmed.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 19.

MONUMENT TO CAPTAIN HARDINGE.

Mr. Ward rose to bring forward his promised motion, previously to which he moved that the minutes be read from the journals of the proceedings in March 1795, upon a motion for erecting a monument to Captain Faulkner, who gallantly fell in an action with the Blanche French frigate, and from which it appeared that the House had negatived the motion; as upon the ground of that particular action in which that gallant officer lost his life; but agreed to an amendment approving the monument in consideration of Captain Faulkner's gallant services in general, and particularly in the expeditions against Guadaloupe and Martinique. Mr. Ward then apologized for undertaking a task by which he might be thought, in doing justice to the memory of a gallant officer so justly elevated in the annals of his country, to do some honour to himself; but he claimed no other merit for a service so grateful to his own heart, than that of doing a duty which in the station he held devolved upon him adventitiously. It was not necessary for him to detain the attention of the House by a flourishing exordium or laboured panegyric on the gallant officer. In fact, such was the brilliant career he had run in his short but glorious life, that little more was necessary to the illustration of his character and his services to his country than a mere brief and cursory detail of the most prominent of those services. The first signal action which challenged for him the notice of his country was the seige of Acre, where he had the honour to commence his eminent services under the gallant Sir Sidney Smith. The ship on board of which he acted as lieutenant, was blown up; his captain and the greater part of the officers and crew killed. He next commanded a gun-boat on the coast of Egypt, and signalized himself so eminently as to obtain the praise and admiration of his commanding officer, and was honoured by a gold medal. He was afterwards promoted to the command of the *Terror* bomb, in which he eminently signalized himself by the bombardment of Granville, on the coast of France, in which service most of his crew were killed, and the vessel

so shattered, that she became unfit for service. Captain Hardinge's conduct on this occasion was such as to obtain the highest commendation in the official dispatches of Sir James Saumarez. He was next transferred to the command of the *Scorpion* sloop, in which, amongst a variety of eminent services, he performed another achievement which proved him, though a boy in years, a veteran in valour. It was the cutting out of the *Atalanta* brig, on the coast of Holland, where he had to sustain the attack of that and another brig, each of much superior force to the vessel he commanded, notwithstanding which, after long maintaining an unequal conflict, he made one of them his prize. The gallantry of this conquest was greatly enhanced by the circumstance of the attack having been made in boats, a service of peculiar risk and danger, and for which none but British seamen were fit. Of these he had but 60, while the enemy's ship he captured was manned with 260. In this enterprize, he was accompanied by the gallant Captain Parry, to whose valour Captain Hardinge, in his dispatch, paid the highest encomium; though, in the spirit of true bravery, he was perfectly silent as to himself. He paid also the highest encomium to the valour and intrepidity of the Dutch Captain, who was killed in the action; and never afterwards did he speak of this circumstance but with tears. The last service in which this gallant officer was engaged was with the St. Fiorenzo, under Sir Edward Pellew, in the Indian Seas, where the enemy had a number of peculiarly stout frigates more numerous in guns and heavier in metal than usual, in which they committed the greatest depredations on our trade, and awaited our homeward bound ships. Here it was the fortune of the gallant Captain Hardinge, in his frigate St. Fiorenzo, of only 38 guns and 150 men, to fall in with the French frigate La Piedmontese, of 50 guns, manned with 366 men, French and Lascars; and after three successive long and bloody engagements, fought on three successive days, he gloriously fell on the third day almost in the moment of victory; for the action was nobly maintained under Lieutenant Dawson, his second in command, the enemy's frigate captured, and brought to a British port. The honourable member then read several extracts from the dispatches of Sir Edward Pellew, Lord St. Vincent, Admiral Tyler, Sir James Saumarez, and

other admirals, and General Maitland at Ceylon, bearing the highest testimony to the character and honour of Captain Hardinge, and stated that at Bombay a subscription of 3000*l.* was raised under the auspices of Sir James Macintosh, to erect him a monument; which he trusted would operate as a stimulus to the generosity and gratitude of his country. The honourable member then observed, he was aware there might be some difference of opinion as to the propriety of voting a monument to Captain Hardinge for a victory in itself not of that great national consequence for which monuments are usually voted. He trusted however that the victory was of such a nature—the instance of valour and intrepidity so extraordinary, as to draw a peculiar line of distinction on Captain Hardinge's case. He concluded by moving an address to his majesty, praying that he would be graciously pleased to give directions that a monument be erected to the memory of Captain Nicholas Hardinge, for his eminent services to his country, during his short but gallant life, but particularly in the Indian seas, in March 1808, where he fell gloriously, after three successive actions with a French frigate of superior force, *La Piedmontese*, which was taken from the enemy; and that this House will make good the same.

Mr. Windham felt himself under the necessity, however reluctantly, of opposing this motion; because, if once the principle were to grow into practice of voting a monument to every officer, whose valour might tend to a loss of his life in actions with single ships or frigates, not only would the claims upon the country become innumerable (such was the prominent valour of our naval officers), but the thing from its frequency would cease to be, what it now is, an honourable distinction, the very rarity of which constituted its chief value. This was not the kind of case in which the country had been accustomed to vote monuments; it was not that great and signal victory of vast national importance, by which the gratitude and the enthusiasm of the country were wound up to such a pitch, as in fact to run before the House in the wish of distinguishing the memory of the deceased.

Lord Castlereagh agreed in the principle laid down by the right honourable gentleman; but still thought the case of Captain Hardinge was so peculiar as to draw a marked line of distinction, and reduce the precedent to so

narrow a ground, as to leave no danger of the consequence apprehended by the right honourable gentleman. Since the year 1760, there occurred in the naval annals of this country, but three similar instances.

Mr. Wilberforce concurred in the original motion, and thought the country had no ground for disagreeable sensation, in the apprehension of such a consequence as that predicted by the right honourable gentleman; namely, that if we were to vote too frequently distinctions of this sort, we were endangered of being overwhelmed with monuments to the brave, whose valour would call for such honourable distinction in death. On the contrary, he feared we were rather too niggardly of our honourable distinctions to the army and navy, and he only regretted that the plan for establishing distinct orders of honour in the navy, which was arranged, digested, and every thing but adopted by his late right honourable friend (Mr. Pitt) previous to his death, was not now in operation.

Mr. Adam supported the motion.

Mr. Marryat opposed it.

Mr. Wynne thought the value of monuments would be very much diminished, if they were the only means by which the memory of brave men could be handed down to posterity. He moved the previous question, by way of shewing that he disapproved the general principle; but if that was negatived, he hoped in the present individual case no dissenting voice would be found.

Mr. Long supported the original motion.

Mr. Curwen thought it would be cruel to stop the practice in this particular case. The respect of the country to their memories was the only reward which the brave men who fell in its defence could receive.

Mr. W. Smith did not conceive by the present vote, that the value of the honour would be at all diminished. He thought the monument ought to be voted, and that unanimously and honourably.

Admiral Markham bore his testimony to the particular merits of Captain Hardinge.

After a few words from Sir C. Pole, Mr. Palmer, and Mr. Whitbread, the previous question was negatived without a division, and the vote for the monument was carried *nem. con.*

DIVORCES.

Lord Ponchester contended at some length against the late standing order of the lords, which enacted that no divorce bill should be brought into their House without a particular clause. This was, in his opinion, a direct infringement upon the privileges of the other branch of the legislature, and ought to be considered as an insult by the Commons. They did not dare to present their principle in a public shape, in which way it had been twice rejected before, but tried to tack it in an underhand manner to a private bill. It was his desire that the House of Commons should not wait for a bill to come down from the Lords with this particular specification in it, but should meet the general principle itself by some steady, precautionary, but temperate measures. What would the Lords think if the Commons attempted to tack some measure of regulation to one of the money bills, which always originated in the Commons, but were supposed to be money bills unincumbered by any other matter? Why, they would of course consider it as an insult, and why should the Commons, in this similar instance, see the bill in a different point of view. As to the moral question upon which that order was founded, he would not discuss it now; and as he could anticipate no objection to the motion which he meant to submit, he would content himself for the present by simply concluding with it. He moved, "That a Committee should be appointed to search the journals of the House of Lords for any proceedings in the present Parliament, relative to a standing order on the subject of divorce bills."

The Chancellor of the Exchequer could not see by any possible construction how the standing order adopted by the Lords trenched in the slightest degree upon the privileges of the Commons. The noble lord seemed to wish to deprive the Lords of the power of tacking any clause to a bill of their own, because the Commons had formerly rejected one to that effect. He thought at all events, even if the Commons did take any umbrage at the conduct of the Lords (for which he could see no ground), their best plan would be to take no notice of it until they saw it exemplified in some particular bill. The only question was, whether the Lords trenched upon the privileges of the Commons, and in his opinion they did not.

Mr. Ponsonby supported the motion, and could not help considering the Lords as attempting to infringe on the privileges of the Commons, and trying to impose on them a general measure of legislation embodied in a particular subject.

Mr. Windham also supported the motion, because it went merely to inquire as to the standing order of the Lords, which to be known, must be inquired into.

Mr. B. Bathurst thought the Lords themselves would experience the only difficulty by their order, because it would be easy for the Commons to send back the first bill, which came to them with the objectionable clause, and thus reduce them to the dilemma of unjustly hurting the individual in whose behalf it might be, or of sacrificing their obnoxious determination.

Mr. W. Wynne, and Sir S. Romilly, supported the motion.

Mr. H. Smith observed, that if the standing order of the Lords was right, that House ought to endeavour to assimilate its standing orders to it; if wrong, that it should endeavour to persuade the Lords to repeal the order. At all events, he should vote for the motion of the noble lord, in order that the House might be able to ascertain what the standing order of the House of Lords was.

Mr. B. Bruton declared his opinion to be in favour of the order of the House of Lords, because each House had unquestionably a right to make standing orders, for the regulation of their respective proceedings.

Mr. Barham agreed in support of the motion, because the standing order of the Lords would trench upon the privileges of that House.

After a short reply from Lord Porchester, and a very few words from Mr. G. Johnstone, a division took place,

For the motion	43
Against it	67
Majority against the motion	24

COLONEL GORDON'S GRANT.

Sir Oswald Mosley wished to ask a question of the right honourable gentleman opposite (the Chancellor of the Exchequer) whether, according to his statement on a former night, he had endeavoured to persuade Colonel Gordon to give up his bargain for the lands at Chelsea.

As he intended to leave town to-morrow, he wished to be made easy upon the subject before he should go into the country.

The Chancellor of the Exchequer observed, that all he had stated on the former occasion was, that, if upon reference to the board, it should appear that the whole of the land was necessary for the hospital, he would apply to Colonel Gordon in order to induce him to give up his equitable interest therein. But he had not yet made any application to that effect.

THIRD REPORT OF THE FINANCE COMMITTEE.

Mr. H. Martin observed, that it was not till within a few hours, that he had learned that it was intended to negative his resolutions, for the purpose of substituting others in their place. He trusted that the Chancellor of the Exchequer would act by the House with the same candour and fairness as he had done, by moving his resolutions *pro forma*, with a view to their being printed, and then to appoint some future day, suppose Tuesday se'nnight, for the consideration of the two sets of resolutions.

The Chancellor of the Exchequer replied, that what the honourable gentleman had said might leave an impression in the House, as if the resolutions he meant to propose were at variance with those of the honourable gentlemen. For his own part, he had no wish to bring on his resolutions to-morrow, but that he conceived the honourable gentleman must have conceived that these resolutions were calculated solely for explaining his own views, and developing his own conceptions in detail with respect to the report. He had no objection to the course proposed by the honourable gentleman.

Mr. Horner gave notice of his intention to move a resolution founded on the report, which intention he should adhere to, notwithstanding the course proposed to be pursued by the Chancellor of the Exchequer.

BILL FOR PREVENTING SEDITIOUS MEETINGS.

The Attorney General, pursuant to notice, rose to move for leave to bring in a bill to amend the act of the 39th of the King, for preventing seditious meetings. The act of the 36th of the King, which had expired, required, that houses where meetings were held for discussing particular subjects therein specified, should be licenced and declared

that houses, where such meetings were held without licence, were disorderly, and liable to such punishment of disorderly houses. The act of the 39th of the King also required licences for such houses, without specifying the subject of discussion, and declared any other houses employed for that purpose without licences disorderly, but referred to the act of the 36th of the King. Now the bill he was to move for was to repeal so much of the 39th as referred to the 36th of the King. He therefore moved for leave to bring in the bill.

Mr. Ponsonby declared, that he did not understand the object of the honourable gentleman, and wished him to explain more clearly what he had in view to accomplish by the bill he moved for.

The Attorney General re-stated, that by the 36th of the King, houses for debating societies, where money was taken at the doors, and specified subjects discussed, should have licences, and declared houses not having licences for such purposes, to be disorderly. The act of the 39th, without stating the subjects, required licence for houses where debating societies were held, and money taken at the doors, and declared all other houses where such debating societies were held without such licences disorderly, as within the meaning of the 36th of Geo. III. As doubts had arisen about the construction of these words, his object was to repeal these words, referring to the 36th of the King, and to leave the 39th as it would be without these words.

Mr. Whitbread would have an opportunity, on the second reading, of stating his opinion of the bill. At the same time he must observe, that he thought the honourable gentleman must have some cases to state to the House as the ground of his motion, or he would not, after the lapse of ten years, touch so delicate a question. He did not mean to dissent from the motion for bringing in the bill; but he begged not to be understood as precluded by that from opposing the measure in any future stage, if it should appear to him to be objectionable. Leave was then given to bring in the bill.

SEATS IN PARLIAMENT BILL.

Mr. Curwen, moved the second reading of the seats in parliament bill.

The bill was read, then read a second time, and on the question that it be committed,

The Chancellor of the Exchequer stated, that he thought it right to take that opportunity of mentioning to the honourable gentleman, and to the House, the objections which pressed upon his mind as to this bill. He should not say that these objections might not be obviated; but he felt it desirable to state them in that instance, in order to give gentlemen an opportunity of turning them in their minds, with a view to obviate them if possible. His first objection applied to the manner in which the bill described the offence; his next objection was, to the manner in which the offence was to be punished; and his third objection was against the manner, in which, by a precautionary provision, it was proposed to prevent the recurrence of the offence. If the bill were to pass in its then form, it would comprehend a variety both of acts and conduct, which he was persuaded had never been in contemplation of the honourable framer. It would apply not only to the sale of seats in that House, but to the sale of property or interests, which might give influence in the return of members to that House. If this bill were to pass, no burgage tenures could be sold, nor any property that would carry with it influence at an election, without incurring the penalties of the bill. This was an insurmountable objection to it in its present form. Besides, it would act prospectively and retrospectively, directly and indirectly, so that no man who had a vote at an election, could at any time receive a favour from a member. This was an operation of the bill, which he was convinced had never entered into the mind of the honourable gentleman. He had himself turned his thoughts to the bill, and discovered difficulties which could not be obviated without getting rid of several clauses which the honourable member wished to retain. It was not a satisfactory answer to say that a jury would not construe the act to extend to such cases as were not obviously intended to bias the particular election. The House should not leave that to a jury to decide, and besides it was highly objectionable to legislate penalty without a precise and definite exactment. With respect to the manner in which the punishment was to be regulated, he could not conceive, until the blanks should be filled up, how that was to be settled; whether the question was to be sent to the courts of law, without any limitation of time, and not referred to a Committee of that House. But he doubted, whether that House would consent, under any cir-

cumstances, to commit questions of that description concerning the validity of seats within its walls, to the jurisdiction of the courts of common law. His next objection was to the oath. If an oath was to be introduced, it ought to be precise, so that what members were to swear should be clearly and distinctly known, and he was sure the House would not admit any other form into the bill. What would have been the situation of members under the treating act, if there had been such an oath as first proposed in this bill, when what one Committee decided not to be an offence against the act, another Committee declared to be an offence, so that if the oath were to have been imposed, the same act would in one case prove perjury, which in another would be wholly innocent. He had thought it incumbent upon him to state these objections to the House, not with any idea of giving opposition to the bill, but for the purpose of giving gentlemen an opportunity of obviating them if possible.

Mr. Curwen congratulated the House that the objections of the right honourable gentleman was not to the principle of the bill. What the right honourable gentleman said, had certainly considerable weight with him. It was never in his intention to destroy the right of disposing of burgage tenure, because that would lead to the destruction of the right to dispose of freeholds. But when the bill should come into the Committee, he hoped that means would be devised to get rid of all the difficulties stated by the right honourable gentleman, as to the oath, he thought it ought not to be imposed in the detail, if not on the wholesale. At all events, nothing could tend so much to set that House right with the public, as to shew that no persons could get improperly into it. If Parliament did not reform itself, it would, according to the saying of a great man, be reformed with a vengeance from without. When abuses were proved to exist, it would add to the dissatisfaction of the people, if the necessary remedies should not be applied to correct them.

Mr. Windham thought, that his honourable friend, when his bill had been suffered to take its chance for a second reading, had no occasion to make the harangue he had delivered, or to utter the menaces against that House with which his speech concluded. He had himself determined to remain till the question of the second reading of this bill, though he was jealous of its progress. He

would not admit that Parliament had lost the confidence of the public, at least of the thinking part of the public; and he did not allow that the corruptions alluded to by his honourable friend existed, at any rate, not in the sense in which his hon. friend said they did. He had risen only to protest against the harangue of his honourable friend, and to lay in his claim to an unfettered exercise of his judgment upon the merits of his bill.

Mr. Bathurst thought, that when the House had agreed to the second reading, it sanctioned the principle of the bill; and that they had a right to know from his right honourable friends, whether they thought the abuses proposed to be remedied by his bill were such as ought to be corrected. He considered the House as placed in a situation in which it had never been before. It was new to Parliament to have the practices proposed to be corrected by this bill admitted within that House. This bill was not to interfere with the sale of property; neither would it touch, in the remotest degree, the question respecting a reform in the representation in that House. It was intended to correct an evil acknowledged to exist, and upon which the House had a right to expect an opinion from his majesty's ministers. As to the first objection of his right honourable friend, it might be got over by leaving out a few words. The other objections also, he was of opinion, might be got rid of in the Committee.

Mr. Dennis Browne was of opinion that Parliament had not lost the confidence of the public; and if it had, this bill was not calculated to retrieve it, for it had not met the approbation of the Solon and Lycurgus of the Crown and Anchor.

Lord Folkestone observed, that as the honourable gentleman opposite (Mr. Browne) had not been present at the late debates, he might have learned what was the feeling of the public with respect to the votes of that House. But if the honourable gentleman had heard the charge lately preferred against two members of that House, which charge no person had been hardy enough to deny, he would not be disposed to object to a bill, the object of which was to correct the abuses that made the subject of that charge.

LOAN TO THE PRINCE REGENT OF PORTUGAL.

The house then proceeded to take into consideration the report of the Committee of Supply.

On the question for agreeing with the Committee on the vote of 600,000*l.* to the Prince Regent of Portugal,

Mr. Whitbread said, that when it was stated that this sum was advanced to the Prince Regent by the way of loan, he could not avoid expressing his opinion, that we would never hear more of either the principal or the interest.

The Chancellor of the Exchequer replied, that he did not think it necessary to argue the question in its present stage, but it was his full conviction that both the principal and the interest were secure. (*That's well, said Mr. Whitbread, across the House.*)

The next resolution of the Committee was for a loan in the way of lottery.

Mr. Whitbread said, that he felt it his duty to oppose the second reading of this resolution, and even to take the sense of the House upon it; a Committee had been appointed to consider the subject, and after a laborious investigation their report had been unfavourable. There was an argument advanced on the other side, that such was the spirit of gambling existing in the country, that whether Parliament sanctioned it or not, it must produce the effect complained of. For his part, he thought that as far as this spirit of gambling was directed to lotteries, Parliament could easily devise a remedy, as they themselves were the cause of the mischief. It was the government themselves who encouraged the spirit of adventure in lotteries, which had produced all the evils stated in the report of the Committee. Nothing could be more injurious in a country where habits of economy and sober industry were instilled into young people as the sure means of arriving at wealth, than to have in view a scheme where wealth was not to be earned by labour or industry; but to come merely from fortune. It must be evident to ministers that no real wealth was produced to the country by those adventurers in the lottery. In a sober and religious view of the subject he thought it most improper that government should countenance the distribution of wealth in any other manner than as the reward of merit. The government not only held out encouragement to the idle to hope for wealth without labour, but also held out encouragement to part with all they had, with all that honestly or dishonestly they could appropriate in order to be in fortune's way. The many evils that resulted

from lotteries were sufficiently apparent, but the little profit that was to be derived from them he should not enter into the consideration. When it was proposed that 300,000*l.* should be raised in the way of lottery, it must be considered, that a million, or at least six hundred thousand pounds were actually taken out of the pockets of the public, and that in the most distressing way that was possible. In that point of view alone this tax would be inexpedient, if it were not productive of vice and immorality; but it would be observed that a very great degree of vice and immorality were always produced by the lottery, in the encouragement they gave to insurance, and other speculations contrary to law. This was a defect which Mr. Pitt was never able to remedy, and he could tell the right honourable gentleman (the Chancellor of the Exchequer), that to his certain knowledge there were persons in this town who would outstrip him in calculations to evade the penalties of any legislative provisions he could propose. If the Chancellor of the Exchequer would but put off his lottery scheme for a single year, he would venture to say, that it would be easy to provide for any deficiency that might be occasioned by it. When it was recollected, that our whole expence was near seventy millions, it could not be supposed that a deficiency of 900,000*l.* could be seriously felt, or if it was felt, it could be easily supplied from some sources that did not affect the morals of the country. There were now many widows and orphans who bewailed the ruin that was brought upon them by the lottery. Without expatiating on the quality of vice that was produced, on the number of servants and apprentices who were tempted to rob their masters, on the number of fathers of families who were induced to spend upon wild speculations the fund which ought to have provided for their children, he would say, that there was a sufficient quantity of vice and immorality proved to result from the lottery, that the right honourable gentleman should decline to propose such a measure. There was a society existing for the suppression of vice, and he understood that one of the rules of this society was, that no man should be a suppressor of vice, unless he was a member of the established church. This regulation would certainly be highly relished by the no-popery gentlemen of the present administration; but if they were to set their faces against

minor offences, and yet countenance the lottery, it would be like casting out seven devils from a man, when a legion of other devils were immediately to enter. He believed that there was no sin pointed at in the Decalogue which was not encouraged by the lottery. It was a speculation which always began in covetousness, and often led to theft. The instances were not new, where murders, and particularly self murder, had been instigated by losses in the lottery. A person had been introduced to him that was said to be perfectly acquainted with lotteries. The man, however, would not confess to him that he knew any thing about insurances, although those that were acquainted with him declared, that he had been three times ruined in the lottery. The lowest class of the people were dreadfully deluded by such men as this, publicans and waiters in public houses, who were always ready to persuade the idle to adventure in the lottery. The profanation of the Sabbath, and many other evils much to be regretted, often proceeded from the same source. Besides these publicans and their waiters, there were dreamers of dreams and calculators of horoscopes, who also deluded the ignorant with respect to lotteries. The whole gain that was stated as a balance for so much mischief, was the 300,000*l.* that was to be gained by the lottery. Now he earnestly recommended that this sum should be left unprovided for until the end of the year, and if it were then found that there was a deficiency, other means could be taken to provide for it. There was no possibility of remedying the evils of lotteries. It might be said, that insurances might be stopped by cunning informers, on the principle of "set a thief to catch a thief," but in the case of lotteries, this maxim did not hold, for from the highest to the lowest, all were concerned in the delusive scheme. If one walked in the public streets, we were sure to meet lottery-offices that called themselves peculiarly lucky, and enticed the ignorant to lay out their money with them. This, and all the other artifices by which the public were entrapped, appeared to him to be evils far beyond all the good that lotteries produced. He should therefore oppose this resolution.

Mr. Lockhart spoke in favour of the resolution.

Sir T. Turton thought it would be much better to try the effect of a lottery for another year.

Mr. Windham said he did not wish to detain the House by going into a detail of the measure, but he believed it to be a most scandalous and injurious way of raising money upon the public. That a lottery engendered vice no man could deny; the seductions were strong and numerous, and calculated to catch the lower orders of the people, whose minds were as weak as their passions were strong. A guinea for a shilling, and twenty thousand pounds for twenty were allurements they could not withstand. His feeling had ever been uniform on the subject, and he thought the evil so great that nothing but the necessities of the state could justify the resorting to lotteries. If it were at an earlier period of the practice, he should certainly vote against it, but as it was now become so interwoven with the system of finance, he saw no particular advantage in opposing it at present.

The Chancellor of the Exchequer defended the measure, and said the honourable gentleman who opposed it (Mr. Whitbread) seemed to argue, that if this species of gambling was put an end to, it would stop all kind of vice. This was, however, straining the argument much further than it would bear. The circumstances of misery which had been alluded to, arose not out of lotteries, but from insurances, and could never be the effect even of insurance if the lottery were drawn in one day. That end he thought he could effect, and the course he proposed to follow was to confine the drawing to that period. The little goes were much more mischievous than the lottery, and if that was given up those would be greatly multiplied. He had considered the report of the Committee with great attention, and he could by no means see the mischievous results which the honourable gentleman who opposed the resolution seemed always to have in his view.

Mr. Wilberforce spoke at some length against the resolution, and opposed it on the same ground of argument and nearly *totidem verbis* as those used by Mr. Whitbread.

Sir S. Romilly spoke very briefly against the resolution.

Mr. Babington did the same.—After which a division took place.

In favour of the resolution	90
Against it	36

IRISH DISTILLERIES.

Mr. Foster moved the order of the day for going into a Committee on the Irish distillery bill.—On the motion that the Speaker do leave the chair,

Mr. Hutchinson, and some other Irish members, hoped the right honourable gentleman would postpone it to some future day, as an honourable baronet (Sir J. Newport), who wished to be present at the debate, was obliged by indisposition to be absent on the present evening.

Mr. Foster resisted this on the ground of the session being so far advanced, that he could not consistently with his public duty agree to it.—A division accordingly took place.

For going into the Committee -	64
Against it - - - - - - - -	22

When strangers were re-admitted, we found the House in a Committee.

Mr. M. A. Taylor was on his legs, and complaining that the right honourable gentleman should have pressed the matter as he had done. He saw, however, and would state the reason. His right honourable friend (Sir J. Newport) was not able to be present, and the right honourable gentleman pressed going into a Committee, because he was afraid to encounter the powerful talents and arguments of his right honourable friend.

Mr. Foster said, he never was afraid of any man, and that was therefore an unfounded imputation.

Mr. M. A. Taylor repeated what he had said, and added that the right honourable gentleman should not make much progress that night, for he would divide the House on every clause, and oppose every line of the bill.

Mr. M. Montagu spoke to order, and said Mr. Taylor had imputed motives.

Mr. M. A. Taylor said, he had imputed no motive—he had only said, the right honourable gentleman was afraid of the powerful arguments of his right honourable friend, and in so saying he was not out of order, but would repeat what he had said.

Mr. Perceval said, if his right honourable friend near him were indeed afraid of the arguments of the right honourable baronet (whose indisposition he was truly sorry

for) he pitied his right honourable friend, as he had to encounter that powerful adversary almost every day of his life. He hoped, however, the honourable gentleman did not mean to put his threat into execution, and to keep them walking up and down the House all night dividing on the several clauses of the bill.

Mr. M. A. Taylor and Mr. C. Wynne both rose.

Mr. Croker said, he rose to speak to order, and immediately moved the standing order of the House to exclude strangers, on which the gallery was cleared.

HOUSE OF COMMONS.

FRIDAY, MAY 19.

Mr. N. Vansittart moved for an account of all monies transmitted from Great Britain, or advanced by any person on his majesty's behalf for the use of the prince regent of Portugal, from the 5th of January, 1807, to the latest period the same could be made up.—Ordered.

IRISH TITHES.

Mr. Parnell moved that the petition from the freeholders of the Queen's county and county of Kerry, presented last session, and praying some alteration in the laws relating to tithes, be now read. Read accordingly. —The honourable member then observed, that besides those two counties, four others, namely, Tipperary, Clare, Wicklow, and Armagh, had met and expressed their sentiments in support of the former, either by resolution or petition; and he was confident if the whole of the Irish counties had met, they would have expressed the like opinion. He begged to observe, that these petitions came from Protestant freeholders, and that the Roman catholics, who were accused of agitating this subject, never interfered one way or the other. He was convinced that the great body of the protestant clergy of Ireland wished for a change in the law, with the exception only of a few bishops and some beneficed clergymen. With the exception of a few, he did not charge the established clergy with any thing oppressive in the exaction of tithes; on the contrary, they were as much oppressed and injured as the common people, who were supposed to be the greatest sufferers. They never collected the small tithes

as in England. Pasture lands were all exempt, and so were flax and potatoes, particularly in the north of Ireland; and the general average of the valuation upon the tithes taken in potatoes, and also upon corn, were not more than one-half the real worth. He stated, that of that part of the population of Ireland which contributed to the support of the church, not above one-tenth belonged to the established religion. The honourable member drew a melancholy picture of the state of the Irish peasantry, the misery of which, he was persuaded, arose in a great degree from the oppression and vexations incidental to the collection of tithes. He concluded with moving for leave to bring in a bill, to enable rectors, incumbents, and ecclesiastical corporations, to demise leases of tithes for twenty-one years.

The Chancellor of the Exchequer felt it incumbent on him to state his reasons for dissenting from the motion. He wished that the honourable member had more fully explained the nature and object of his bill; whether it was with a view to amelioration, or a total abolition of the system of tithes, and if the latter, to what purposes the revenues of the clergy were to be diverted. The subject was one of the most important consideration, and which required that it should be maturely weighed before it was adopted. He was desirous to know what was to be the substitute for tithes, as well as the basis of a principle of commutation. He was convinced that the abolition of tithes would not in the least degree improve the condition of the tenant, and that he would pay that rent in an aggravated proportion to the landlord, that he now paid to the clergyman. He contended there was no exaction in the system of tithes as it existed in Ireland. The occupier of the land does not in fact pay one-half of what he was obliged by law to do. He was averse to any commission to ascertain the value of tithes; the effects of which he was persuaded would be to raise the amount thereof. In fact the remedy proposed by the honourable member was as bad as the evil he proposed to remedy. It would improve the rent of the landlord, but would be of no advantage to the tenant. The bill besides was unnecessary. It gave no power to the clergyman that he did not possess at present. As the law now stood, there was nothing to prevent an incumbent from letting his tithes during the whole period of his incumbency. He thought

it best to negative the motion at the outset, than to countenance expectations that could not be realized. The conclusion that he drew from much application to the subject was, that nothing could be usefully done on it.

Mr. Tighe supported the motion, and contended, that the present administration, who professed to act upon the principles, and adopt the policy of Mr. Pitt, were bound to redeem the pledges which he gave to the Irish nation, as an inducement to the Union. These pledges were the improvement of the condition of the lower orders, a sufficient provision for the catholic clergy, and a commutation for tithes.

The Hon. D. Browne thought it was the most serious duty of government to attend to the evils arising out of the present system of tithes in Ireland. He was friendly to the motion of the honourable member, and to any proposition which had for its object the amelioration of the state of the Irish peasant. He feared it was too late in the session to enter with due deliberation on so important a subject; but if it was brought forward early in the next, it should have his support.

Mr. Grattan observed there was no subject that pressed more upon the feelings of the Irish people than tithes. It affected them in every way. First, it came in the shape of the proctor to the door of the poor man's hovel, backed by an indefinite demand, and followed by a law-suit, and a charge for agency. The proctor was odious to the Irish peasant. He was the greatest little oppressor that ever roused the indignation of a people. Indeed, with the powers that the present system of tithe collection gave him, he must always be an oppressor. He was also a dishonest man. He not only oppressed the poor peasant, but he cheated the parson. He was also the cause of the odium incurred by the clergy. The right honourable member avowed himself a friend to commutation for tithes. In establishing that, he was for all care being taken that the clergy should not suffer by the depreciation of the value of tithes. He thought the plan which he once had the honour to propose to the Irish Parliament very practicable, and that much of the disturbances that afterwards prevailed in that country might have been avoided by its adoption. As the system now stood, it operated with particular hardship upon by far the greater portion of the population of Ireland. It was a hardship

upon the catholic to pay two churches; one which he paid from choice, and another from necessity, from the latter of which, as it was well expressed by his honourable friend (Mr. Tighe), he received neither spiritual consolation nor political protection. He was convinced the poor in Ireland would derive great advantages from a commutation; and if the right honourable the Chancellor of the Exchequer doubted it, the best mode of deciding the question would be to establish a commission to inquire into the subject. An acreable rate, he understood, would satisfy the parishoners, and improve the income of the clergymen.

Mr. M. Fitzgerald thought the fate of the Irish peasant not superior to that of the negro. The present measure went to his amelioration, and therefore he contended it ought to be voted for.

Mr. M'Naghten and Mr. Croker spoke against the motion on the ground of its having been brought forward at too late a period of the session.

Mr. C. Hutchinson defended the propriety of the measure.

Mr. French, as he saw no possibility of its being carried through at present, moved the previous question.

A short conversation then took place between Mr. Canning, Mr. Ponsonby, Mr. Wilberforce, and a reply from Mr. Parnell, when the House divided, and there appeared,

For the previous question, 137—Against it, 62.

After a few words from Lord H. Petty and Mr. Perceval, the further consideration of the report of the committee on public expenditure was deferred to this day se'nnight.

The Chancellor of the Exchequer then moved his resolutions *pro forma*, which, with the resolutions of Mr. Martin, were ordered to be taken into consideration this day se'nnight.

SEATS IN PARLIAMENT BILL.

Mr. Curwen moved the order of the day for a Committee on the seats in Parliament bill.

Lord Folkestone, after the long discussion which had already taken place, submitted whether it would not be desirable to postpone the debate upon this important subject to a future day.

Mr. Curwen was at all times anxious to hear the sen-

timents of the House upon this question; but as he was aware that some of the clauses in the bill were disapproved of, he should not feel indisposed to postpone the discussion, because he should thereby have four or five days to reconsider these clauses.

Mr. G. Johnstone thought, that after a discussion which had lasted for six hours, this question could not receive a full discussion, and he was therefore for the postponement.

On the motion of Mr. Curwen, the question having been put that the Speaker do leave the chair,

Mr. Colburne declared, that if this bill were to pass, four-fifths of the boroughs would be affected by it. The motion of which an honourable friend of his had given notice for a reform in Parliament, was less objectionable than this measure, and therefore this bill should have his decided negative.

Sir W. W. Wynne observed, that he was descended from those persons who had originated the acts against bribery at elections, and for the trial of controverted elections, and consequently a friend to any measure calculated to promote the objects professed in those acts. Those, who gave money for their seats, did it with a view to get it back; and, though some of those who get into Parliament in that way were good members, others were bad, and consequently he should support the bill.

Mr. G. Johnstone contended, that no ground had been made out for the bill, or to induce the House to hazard the consequences that might result from its adoption. In his mind, it would be madness to risk what they possessed in pursuit of that, which, if they could attain, would not be equally advantageous. He agreed with the honourable baronet, that the bills for preventing bribery, and the trial of controverted elections, were wise acts, but contended, that it was contrary to the practice of Parliament to adopt any legislative provision until it was proved that evils existed which required correction. It was not by speculative opinions but by the practice of their ancestors, that they were to regulate their conduct. They should not, because there was a disposition without doors to calumniate Parliament, by their conduct calumniate themselves. That House exhibited a model of purity, which no other assembly had ever possessed. When the present practice of that House was compared with what it

had been formerly, it would be obvious that a greater degree of purity existed in it at this moment than at any former period. He wished gentlemen to consider the enormity of the public expenditure in every quarter of the globe; and he was persuaded that they would be of opinion that greater impositions were practised in proportion upon gentlemen possessing 5000*l.* a year than upon the public. The corruptions of the present times were not to be compared with those of the times of Marlborough, or Sir Robert Walpole; and whatever abuses now existed were in a train of amendment. For his own part, he was satisfied with a gradual improvement, and he looked upon the late investigation into the conduct of the Duke of York as a proof of the efficiency of the popular branch of the constitution; because that illustrious person, upon a charge brought against him by a gentleman not much known to that House, had been obliged to resign his office as Commander-in-chief; and that illustrious person might become regent, nay, sovereign, of these realms.

Mr. Lethbridge called the honourable member to order, as going into matters unconnected with the question for the Speaker leaving the chair.

Mr. Johnstone contended, that it was competent to him to shew, when a radical change was sought, that the existing system was fully sufficient for every beneficial purpose. When it was said that it was desirable to restore the constitution to its original purity, he asked where and when that purity existed? Were they to go to the times of the Stuarts or the Tudors? It was not till the administration of Mr. Pelham that corruption had been put down. Even in the administration of Lord North, when Sir G. Saville moved for an account of the pension list, it had been refused except as to the pensions payable at the exchequer. Such was the purity of the present times, that in a few years it was likely that with the exception of burgage tenures, all boroughs would be extricated from any predominating influence. In the sessions of 1796 and 1797, there had been eighty controverted elections, and not one case of bribery. In 1802, there had been forty-six controverted cases, and only two of them involved a question of bribery. The honourable gentleman therefore contended that though the practice intended to be prevented by this bill was odious, no prac-

tical result could be expected from its adoption; and after several other arguments drawn from history, to show the superior purity of the present times, concluded that the Parliament of the present day was eminently honest, eminently pure in the discharge of all its functions, and that therefore they should pause before they should make any radical change in the constitution of the Parliament.

Mr. Leman then moved that the debate be adjourned, and it was accordingly adjourned to Thursday next.

HOUSE OF COMMONS.

WEDNESDAY, MAY 24.

The Irish post road bill, the printers' indemnity bill, the excise holiday abolition bill, the Martinique trade bill, the glass duty regulation bill, the Dublin coal bill, and the office sale prevention bill, were read the third time, passed, and ordered to the Lords.

Mr. Fitzgerald (knight of Kerry) brought forward his promised motion for leave to bring in a bill for the beter regulation of assessments by grand juries in Ireland. He detailed at length the many defects and abuses arising from the present mode of assessment, and for the remedy whereof his bill was intended. He meant only to introduce the bill in the present session, in order to have it printed, and circulated amongst the magistrates and leading gentlemen in Ireland during the recess, in order that the bill might have the advantage of their full deliberation preparatory to the next session, when he meant to propose its final adoption into a law.

After a few observations from Mr. Foster, Sir John Newport, Colonel Maxwell Barry, and Mr. Dennis Browne, leave was given to bring in the bill.

ARMY REGULATIONS.

Colonel Shipley rose to bring forward the motion of which he had given notice, previous to the holidays. He was, he said, perfectly sensible that it could never be the wish or intention of that House to attempt any wilful or unnecessary interference in the inferior management or regulation of the army of this country; that had by the constitution been placed in other hands; and he well knew the House would not interfere in it, but in extraordinary cases, where certain rules laid down for its most

essential and vital interests were rashly or premeditately broken through. When the Duke of York was made the Commander in Chief, certain regulations were issued by his majesty, by which it was settled that no officer should be made a field-officer till he had served six years, nor a lieutenant-colonel till two years after he was made a major. The present Commander in Chief had made that regulation stricter than it was before, by extending the term to nine years. In defiance of those regulations, Lord Burghersh had, on the 4th of May instant, been appointed to a majority, and in a few days afterwards made a lieutenant-colonel, by which he had been put over the heads of many officers who were senior to him, and particularly the oldest captain in the regiment to which his lordship belonged, and who was five years and a half an older officer than Lord Burghersh; and by his recent advancement his lordship passed over the heads of 600 officers, many of whom were in the army before Lord Burghersh was born. If he had been the son of an Abercrombie or a Moore, he (Colonel Shipley) should have thought his promotion too rapid. The country had observed, with indignation, that the person thus prematurely preferred was the son of a cabinet minister, who ought to have advised that nothing but meritorious services, and gallant exploits of the most eminent kind, should have entitled him to such extraordinary promotion, nor could any thing less than these have justified his majesty's ministers in countenancing such a measure. In what he now brought forward, he meant nothing personal to the noble lord; but he thought, in times like the present, the service of the army required the protection of that House, when they saw his majesty's ministers so ready to countenance the breaking through regulations so essential to its welfare, and made expressly for the support of it. He had heard it reported, that this extraordinary promotion had been made in consequence of the promise of a high personage to the father of the noble lord; but the crown could do nothing without the knowledge and approbation of its ministers; and it would be much better such regulations had never been established, than suffered to delude the officers of the army by a shew of impartiality which was not intended to be adhered to in every instance. He (Colonel Shipley), was one of those who voted against the Duke of York, but he would be much more inclined

to give his sanction to one who might be seduced by his regard for a woman into certain irregularities, but who would inflexibly adhere to the regulations of the army, than a Commander in Chief, who, whatever might be his individual merits as an officer, would submit to the regulations made under his own advice and sanction being broken through, almost as soon as they had been issued and promulgated. Under these circumstances, he felt it his duty to move—

"That there be laid before the House a copy of the regulations of the Duke of York, relative to the time an officer should serve before he can be made a field-officer. Also a copy of the commission of Lord Burghersh, appointing him to a majority, and the date when gazetted, &c."

Lord Castlereagh said he believed the honorable officer, who brought forward this motion, would not have been induced to call for this information, if he was acquainted with all the circumstances of the case. He believed there was no principle the House would more readily recognize than that they should not interfere with the disposal of the improvement of the army. Nothing could be more wrong. Of all those prerogatives which the king possessed, there were none more universally allowed or less doubted of than his power to confer commissions in the army and navy, create peerages, make peace and war, &c. The king might put himself at the head of his army, and it would then be in his power to exercise his discretion in promoting what officers he pleased, and nothing but some instances of something extremely corrupt would justify the House of Commons in interfering so as to narrow this branch of the prerogative. The honourable gentleman had, in the present question, taken much too close a ground as to this part of the prerogative. The Commander in Chief laid down regulations; but his majesty had a right to alter them. It never had been, or could be understood that his majesty had not a right to depart from that rule when he thought proper. There had not long since been an instance of it in the case of General Graham (*Hear, hear, hear!*). There was a rule that an officer who came into the army on temporary rank, should not be preferred, but according to a certain rotation; but his majesty, in the case now alluded to, thought himself authorized and impelled to repeal that

regulation, and to place General Graham at the head of all the officers of the same rank. The king never did nor ever could mean to divest himself of that paramount prerogative. He conceived the appointment was not contrary to the regulation which was made 20th March last. Lord Burghersh's commission was dated 25th March 1809, so that he was entitled to his promotion on the 25th of that month, a difference of only five days; and for so slight a difference as that, he thought the honourable gentleman who made this motion would be sorry to stop the promotion of so meritorious an officer. Though a very young man, he had sought service in every quarter of the globe—in the north of Germany, in Sicily, at the Dardanelles; was aide-de-camp to General Walker at Rosetta, and to Sir A. Wellesley both at Rohilla and Vimiera; and he hoped therefore the honourable mover would not think the king had stretched the prerogative in appointing an officer of this merit. Certainly, after these acts of heroism, application had been made to the late Commander in Chief, and he (Lord Burghersh) obtained a promise that he should receive promotion as soon as the limited time of his services was expired; and he (Lord Castlereagh) thought that when his majesty saw any young man who possessed high rank and fortune, laying aside all the soft and seducing allurements of pleasure at home, and devoting himself to the service of his country abroad, his majesty would shew great wisdom in bestowing superior marks of favour on such extraordinary activity, zeal, and enterprize. The right honourable mover complained that Lord Burghersh had not only received a major's commission, but one of lieutenant-colonel also; but this was no new case; for there had been cases without end in the guards where the rank of lieutenant-colonel followed that of major immediately; and, till the late regulation, no mention was ever made, or notice taken of it; and as the new regulation was only made on the 20th March, and the time of his lordship's service would be expired on the 25th, he put it to the House whether it would be consistent with the common principles of equity or justice to withhold that promotion which had been promised at the end of the former regulation, when the new regulation had never been thought of, and which was only made five days before Lord Burghersh would otherwise have been entitled to it. Under these circumstances, he hoped

and trusted the House would not think it necessary to call for any information on the subject, but would concur with him, that no case had been made out which could justify them to call the prerogative in question, particularly as to commissions in the army.

Lord Temple said, that Lord Burghersh still remained a major in the 11th regiment, to the injury of a meritorious officer; that he had received the brevet rank of lieutenant-colonel for the purpose of sending him into Portugal, where he was to receive the rank of brigadier-general, which would immediately put him over the head of all the colonels in Sir A. Wellesley's army. He was sure the House would not unnecessarily or lightly interfere with the prerogative, but when it was exercised unjustly, it was their duty to look carefully to its operation, especially where the service of the army is so deeply interested. The noble lord opposite said, that Lord Burghersh had completed his time of service within a few days. His ensigncy was gazetted on the 24th of December, 1803; so that he cannot complete his six years' service till December 24, 1809. On that there seems however to be a difference—then let us have the documents. The noble lord had talked of the merits of Lord Burghersh, and called him a *rising* young man. According to the present plan, he would be a *more rising* young man every day. He had been informed that in point of fact he was never on service with his regiment—he had volunteered to the Dardanelles, when his regiment was in Sicily—and to other places, when that favour had been refused to many others who wished for it as much as he did. On December 24, 1803, Lord Burghersh was appointed an ensign in the 11th regiment, without purchase. He had not paid for any of his commissions—was allowed to volunteer without going to his regiment; but all this did not entitle him to extraordinary promotion, in the face of the express existing regulations of the army.

Lord Newark said it appeared to him that a very particular favour had been conferred, in the way of promotion, on a young officer without any just reason for so doing, and as he should that night vote contrary to those with whom he generally acted, he thought it necessary to say a few words why he should support the present motion.

Lord H. Petty differed with Lord Castlereagh on

the subject of his majesty giving particular favour and countenance to young men of rank and influence who entered into the army. He thought such persons were not those who should receive commissions without purchase; and if they did so, and were put over the heads of those who were only fit to fight our battles in the times in which we live, the situation of the army would be dreadful.

Sir C. Burrell said a few words in favour of the motion.

The Chancellor of the Exchequer spoke very shortly against it.

After which a division took place:—

In favour of the motion - - -	72
Against it - - - - - - - -	67
Majority against Ministers -	5

The House resolved itself into a Committee of ways and means, in which Mr. Foster brought forward the Irish budget.

The right honourable gentleman was so inaudible that we could only catch a few words here and there. He would not, he said, venture to take the revenue of the present year at more than 4,500,000*l.* The loan for the year would be 4,500,000*l.* He made several calculations on the duties on malt, breweries, &c. which he estimated at upwards of 1,000,000*l.* and which, taken together, amounted to something more than 10,000,000*l.* Four millions five hundred thousand pounds were to be borrowed, and there was to be provided a sum sufficient to pay the interest of the loan. The increase of the duty on spirits, distilled or imported, he took at 130,000*l.* a year. He considered the decrease of the Irish revenue as owing in a great degree to the prohibition of distilleries, which had taken place. The balance, however, in the hands of the collectors had also decreased considerably; and, in general, the country was in a much more flourishing situation than it had been for some time. The valuation of the imports and exports shewed this; and if any further proof was wanting, he had to instance the course of exchange, which evidently demonstrated that the money was rather coming in than leaving the country. If the debt of the country was to be increased, it was not owing

to any local mismanagement, but to the general circumstances of the empire. That debt he admitted to be stupendous: before the present session it amounted to seventy-six millions, and at the close of it, it would be increased to eighty-one millions; it was great but unavoidable. He stated the great attention which this Parliament had paid to the prosperity of Ireland, particularly with respect to the scarcity of flax-seed, and the reclaiming the bags, a measure which, in his opinion, would be of the greatest service to the country. He concluded by moving, that 1,150,000*l.* of Irish currency should be granted for the service of Ireland, to be raised by annuities.

Sir J. Newport stated some general objections to the plans of the right honourable gentleman. He had hoped for some retrenchment, which it appeared was not to take place, and animadverted on the astonishing increase of the funded debt, which increased as fifteen to four, while the revenue increased as fifteen to eight and a half. He looked upon this increase as a great national loss, nor could he view it in any other light than as an immense absentee, because it was not raised in the country as the debt of England was.

After a few words from Mr. Foster and Mr. Parnell, the remaining resolutions passed, and the report was ordered to be received to-morrow.

The House then resolved into a Committee on the Irish distillery bill, Mr. Foster said, that he proposed to make several amendments to it. Where an inhabitant of a parish informed against a private still, he meant to afford the parish an opportunity of being relieved of the fine, by the parishioner giving the information consenting to acquit the parish of any claim to it. He would still, however, continue the clause for making the fine on the parish 100*l.* for the second offence.—As to small stills, he thought unlicenced distilleries could only be put down by the establishment of them; and, to encourage them, he proposed that a part of each fine should be given to the owner of them, instead of going to the informers. He would not give up the bounties on large stills, as they were of great service to the agriculture of the country. The illicit trade may easily be put down by the exertions of the country gentlemen; and if they did not assist in putting it down, it would be necessary for him to propose

new modes of obtaining revenue, which would bear extremely hard upon the people of Ireland; it therefore was absolutely necessary to put down this trade, to save the country from taxes of a more general and pressing nature than any which now existed.

Sir John Newport said, he would confine what he had to say to an amendment, which he should now propose, for doing away the bounties of 16 and 8 per cent. on large stills of 1500 and 1000 gallons content. When the right honourable gentleman tells the country gentlemen of Ireland, that the existence of illicit trade is the consequence of a want of exertions on their part, he tells them what is not true, and attaches blame to them where they do not deserve it. The true cause of the illicit trade is, the great bounties on large stills, equal to 12*d.* per gallon, which go to crush in the outset all small stills, and render it impossible for any one to work a small still, in competition with the large stills established under these bounties in the sea-port towns; for so long as the person having a large still pays less duty, by 12*d.* per gallon, than a person having a small one, as the expence of carrying a gallon of spirits from one part of the kingdom to another is but 2*d.* the advantage of 10*d.* per gallon will enable the former to undersell the latter at his own door; besides, the person working a large still must, under any circumstances, have great and manifest advantages over the person working the small one, because the expence of working is diminished in proportion to the increased size of the still. Under this system of bounties, it was impossible, therefore, that small stills could be set up; and when the right honourable gentleman says, his bill contains a clause to admit of 50 gallon stills being worked, he knows very well that no still of that size, or of any size under 1000 gallon still can be worked, and his clause is only for the purpose of deluding those who are ignorant of the distillery business. In regard to what he has said about encouraging small stills, by giving them a share in the fines, this is also another delusion, which he is endeavouring to practice on the public; for what man could be so great a fool as to set up a small still, knowing that he has to contend against the bounties on the large ones, upon the speculation of being reimbursed, in this manner? On the whole, therefore, the right honourable baronet said, it was utterly impossible to

calculate upon any other result of the bill of the right honourable gentleman than an increased extent of illicit distillation: if the amendment which he proposed was not adopted, what few stills were now in the country under 1000 gallons content would soon be put down by the bounties, the country would neither be able to buy spirits or to sell their grain; and when it was placed under such unnatural circumstances, by the system of the right honourable gentleman, illicit trade must flourish notwithstanding all the penalties and fines imposed by that system. In fact, even the fines imposed on the county Cavan, have not put down illicit trade trade there; he had received a letter from a person of that county of the greatest respectability, who told him that this trade never was in a more flourishing state, even in those parishes most heavily fined. He begged that Irish gentlemen would now see, that this system of bounties, and of large stills, was the real cause of this illicit trade, and not suffer themselves to be deluded by the language they had heard about the interests of agriculture, and of the revenue. The truth is, that the agriculture of the country is most materially injured by depriving the interior of the country of the advantages of licensed distilleries, which would afford to it, what it has not now, except in a small degree, by the unlicensed distilleries, a ready and constant market for their grain; and as to revenue, the commissioners of inquiry proved, that under the existing system, the revenue lost a million and a half a year by the gross frauds of the revenue officers, and the illicit distilleries.

Mr. Hutchinson (the member for Cork) was sorry that he could not agree with the honourable baronet. The object which he conceived the legislature to have in view was, to promote the agricultural interests of Ireland. Bounties, by promoting trade, would contribute to that object, so that the honourable baronet's amendment going to take away the inducement of bounties, could not, in his opinion, be advantageous.

Colonel Barry said, that if the clause to which the honourable baronet objected would have the effect of suppressing the small stills, he would vote against it: no such consequence, however, in his opinion, could result. In many of the interior parts of Ireland, the only fuel they had for their stills was turf: some distinction, therefore, ought to be drawn between such parts and the sea-

port towns, where coals could conveniently be procured. When the Committee came to consider that part of the subject, in which he could best introduce a clause to such effect, it was his intention to do so.

Mr. J. Latouche said he agreed with the right honourable Chancellor of the Exchequer for Ireland, that it was of the greatest importance to have small stills established in the country parts of Ireland, and he would therefore give his support to the amendment of the right honourable baronet, as it was the plain, direct, and he thought the only way of carrying the object into effect of putting an end to illicit distillation. To enable smaller stills to work was an object not only of importance but of necessity, for in consequence of the demand for corn arising from distillation, many tracts of country had been brought into cultivation, and if illegal stills should be put down, and none others established, that demand for corn would cease, and a check would be given to the increased and increasing cultivation of land, and perhaps these lands already reclaimed would be suffered to relapse to their former state of waste. He agreed perfectly with the right honourable gentleman, that from a variety of causes, no large stills of 1000 or 1500 gallons would ever be established in the country parts; but he could not agree with him in thinking, that if the amendment proposed was rejected, and if the bounties of 8*l.* and 16*l.* per cent. were to remain in favour of the large stills, that the smaller ones would ever be able to meet them in the market.—16*l.* per cent. bounty was an advantage which no trade could bear, and the fact has already been ascertained, that it was not to be contended against, for when even the bounty of 8*l.* per cent. was taken off the 500 gallon stills, and given to those of 1000 gallons, the consequence was, that a number of 500 gallon stills were driven out of the trade. Now if 8*l.* per cent. could not be contended against, how could any man think that 16*l.* per cent. could be opposed—but it should also be observed that the owners of small stills in their working, are under disadvantages which add to the expence of manufacture in the spirit, to which those who work larger ones are not liable—these disadvantages amount to nearly 7*d.* per gallon, which if you will add to the 12*d.* per gallon bounty, the spirit coming from the smaller still has to contend against an advantage which that from the larger

one has of 1*s.* 7*d.* per gallon—it is impossible, under these circumstances, that the object of the bill without the amendment of his right honourable friend, could be carried into effect, but the Committee were called upon by a sense of justice, as well as of interest, to support the amendment—for whenever it became necessary to enact severe laws against the commission of any breach of the law, as in this instance, so severe, that the innocent suffered as well as the guilty, it became the duty of the House, if any system would prevent the commission of the crime, to adopt that system—and the surest and best method of preventing this breach of the laws, was to take away the temptation of committing it, or at least the inducement which the farmers of the country at this moment have to connive at it: they are aware at this moment that the price they get for their corn arises from distillation, in the absence of legal stills; they see, or at least think they see, an advantage in illegal distillation—but if you enable the smaller stills to be set up, they will then have no inducement to connive at these practices, against which we have enacted such a severe law.—On these grounds he supported the amendment, as he was convinced, that, without the amendment, the object of the bill could never be carried into effect.

Mr. Bernard stated, that in withdrawing his motion on the principle of the bill the other night, he did so only with a hope that the objects he had would be met in the Committee, and not from being perfectly satisfied that if the bill passed into a law in its present shape, it must prove insufficient and most injurious, not only to the agricultural interests of Ireland, but to the revenue—we already had some proof of it, for by the right honourable gentleman's bill of last year, stills so small as 200 gallons were allowed to work; he could bring evidence to the bar of the House, of men of experience, now in London, that had given both 200 and 500 gallon stills a fair trial, and who really were anxious to carry on the business in Ireland in that way, and who would declare that it was impossible to carry it on, while so great an advantage as 8 and 16 per cent. was allowed to large stills; it was therefore utterly nugatory in the extreme, to talk of allowing small stills to work on such terms, the consequence must be, that illicit stills will be substituted, or the farmer will be deprived of a market for his corn. The

right honourable gentleman boasted that his system had raised the revenue considerably within these few years, but did not state how much that rise was increased by a rise of nearly double on malt and spirits; neither did he state how much his system had increased the illicit trade; nor did he mention that by his system one hundred thousand pounds were allowed in drawbacks and bounties, which otherwise should have come to the credit of the revenue; he contended for it, that the system of licence has been proved by many years trial in Scotland, to answer the great objects of assisting agriculture, and adding to the revenue—for that in no country had both increased so much since that system was adopted: he would prove that a 500 gallon still pays 1*l.* 9*s.* per gallon on its content weekly—whereas a 1500 still only pays 19*s.* —so that there was a loss of 10*s.* per gallon on its content, weekly, to the revenue, by this system of the right honourable gentleman; and as to putting down the illicit trade, he contended for it that a licensed distiller must prohibit an unlicensed distiller from working, for that on considering the risk of seizure and penalties, the great deficiency of produce, and considerable waste attendant on the hurry and confusion of a private still, it must be evident that the licensed distiller must have a considerable advantage over unlicensed ones, and would, if sufficiently encouraged to work, on fair terms, drive the unlicensed still out of the market. For these and other reasons he contended for it, that it was utterly useless to talk of allowing small stills to work, without taking off the bounty allowed to large ones.

Mr. D. Browne said, that he held the opinion of his right honourable friend the Chancellor of the Irish Exchequer in such high veneration, that he was always ready to believe whatever he said was right would prove to be so. He had always proved himself to be a great friend to the interests and welfare of Ireland, and he would not desert him in this instance. He said that disloyalty and illicit distillery went hand in hand over the kingdom, and that till illicit distillery was put down, disloyalty would increase. The best mode to put it down was to increase the fines, and to punish all those with severity who broke the laws: in his country the exertions of the gentlemen had proved effectual, and he knew of no illicit distillery; he had great veneration for existing establish-

ments, and for that reason would not suddenly adopt so great an alteration as that proposed by the right honourable baronet.

Mr. French said he was surprised to hear the honourable member say that there was no illicit distillery in the county Mayo; he lived within a few miles of that county, and had himself assisted in seizing several illicit stills last year, and he knew the trade was now very flourishing in that quarter. If the honourable member means that there is no illicit trade near Westport, he could understand him, because there was no corn there. There were nothing there but those sort of inaccessible mountains which the honourable member talked of lately as being of such great value in the county of Cavan, for scites on which to establish illegal stills.—As to the amendment of the right honourable baronet, he should certainly vote for it, and nothing could be so clear as that it would be impracticable for any one to set up a small still in the face of these bounties.

Mr. May said he was a friend to the system of bounties, as he was to all long established systems;—that he disliked all speculative plans, and new-fangled inventions. The large stills were productive of great revenue, and had advanced the agricultural interests of the country to their present flourishing condition; for it was in those districts where they were established that the tillage of Ireland was most flourishing.

Mr. Parnell said he could not permit this question to go to a vote without expressing his sentiments upon it.—It appeared to him that the right honourable gentleman was attempting to practise upon the House the greatest delusion that ever was heard of. He says that he is a friend to the system of small stills; that it is only by establishing small stills, that the illicit trade can be put down, and in the face of these admissions, he calls upon the House to continue bounties on large stills, which give the persons who work them an advantage of 12*d.* per gallon over the persons who work small stills. The right honourable gentleman must know when he holds out to the country a remedy for illicit trade, by admitting small stills to work, he is taking effectual measures to prevent any person from attempting to work one; and therefore, Sir, his clause to admit them to be licensed is a mere delusion, and can have no practical benefit to the public.

There are now several Irish distillers in London—he had spoken to some of them on the subject, and their uniform answer to his enquiry was, that no one could set up a small still without a certainty of ruin in the face of these bounties. He wished very much to hear the opinion of the Chancellor of the Exchequer for England on this point. No one ought to be more capable of giving one—he wished to be set right by him if he was wrong, and he was ready to alter the opinion he had formed if he could shew him that it was erroneous. In a matter of so much importance to Ireland, and particularly to the financial condition of Ireland, he could not suppose the right honourable gentleman would be silent, and that where so many Irish members thought the bounties ought to be discontinued, and where the question was whether or not the great defalcation of revenue from spirits was or was not to continue, he hoped that he would either vote with them, and shew to the Committee that he had good reasons for voting with his right honourable friend. As to what the hon. member who spoke last had said in respect to the advantage of large stills to the tillage of Ireland, he must deny his position altogether; the measure of the right honourable baronet near him giving Ireland a free trade in grain to England, was the cause of the present flourishing state of the tillage of Ireland; besides, in point of fact, there were no distilleries in those parts of Ireland where tillage flourished the most; at Waterford, Clonmel, and the county of Kilkenny. The truth is, that these large stills are injurious to the agricultural interests of Ireland. They can only be worked in seaport towns, where coals can be had, and by persons of large capital, and therefore the whole interior of the country is to be deprived of the demand for grain, which distillers would give if they were and could be established in the interior; the reasoning, therefore, of those who maintained that these bounties, and that large stills were beneficial to Ireland, was of the falsest kind, as must be evident to every person who possessed the slightest information upon the subject. The honourable member had called the plan of establishing small stills a new-fangled speculation. He begged to tell him that it had the authority of the commissioners of inquiry, and was even admitted to be a good plan by the right honourable gentleman whose cause he professed to advocate. He should certainly vote for the amendment of his right honourable friend.

Sir J. Newport agreed that in the greatest tillage counties there were no such things as great stills; it therefore was not fair to attribute to them the prosperity of such counties.

Mr. O'Hara supported the amendment.

The House divided, when there appeared—

Ayes - - - - - - -	21
Noes - - - - - - -	78
Majority against the amendment.	57

On being re-admitted, we found Mr. French on his legs, speaking to an amendment which had been proposed while strangers were excluded, to prevent parishes from having double fines imposed upon them. He stated that the bill, with all its provisions, had none to punish officers who acted fraudulently. He disapproved of that clause which provided, that if a still, or any part of a still, was found in a parish, the whole parish should be fined. If they wished to quit Ireland, they should permit her to enjoy the rewards of her industry.

Mr. Magens contended, that it was impossible to take away the power of fining, without doing an injury to the country. There were instances of town-lands being fined three times over for the same still. The informer should be rewarded, otherwise no discovery would be made.

Mr. Foster said, that there was a law already, by which the misconduct of officers was severely punished, which rendered it unnecessary to introduce any clause to that effect into the bill. The fact was, the Revenue was injured by illicit distilleries, and the morals of the people corrupted. They were arrived at such a pitch as to require severe enactments. If gentlemen did not exert themselves to put them down, the severity of the law would not be the fault; their own conduct alone would be liable to the charge of having given them encouragement.

Colonel Barry said that the proposition was to fine the vicinity where any materials used in a distillery were discovered. He was not against fining a guilty individual, when he could be found; but it was not fit that any gentleman should be fined for offences committed while he was doing his duty in that House. That the law to prevent collusion between officers of excise and illicit distillers was not enforced, was sufficiently proved by the cir-

cumstance of 375 applications having been made to fine the county of Cavan, at the quarter sessions, for illicit stills, while not one prosecution was instituted for a misdemeanor to punish collusion.

Mr. D. Browne thought the proposed clause feasible; but did not approve of the manner in which it was supported.

Sir J. Newport said, that he believed the right hon. gentleman (Mr. Foster) was mistaken as to the punishment of officers for collusion. The existing laws went to punish them by a fine of 10*l.* or to render them incapable of retaining their office. The fines proposed upon the parishes amounted to 50*l.* while the fine for the officer, if guilty of collusion, was only 10*l.* which should be 50*l.* at least; otherwise fines would be levied on parishes, and officers screened. The fines levied upon the county of Cavan were so great, that it would be impossible to levy them, and he confessed he was very much shaken in opinion, as to the efficacy of fines; instead of having the proposed effect in that county, illicit distilleries had increased. He thought the system of fines ought to be taken into the consideration of the House as early in the next session as circumstances would admit.

Mr Perceval said, that where collusion was practised by officers, he thought an immediate remedy should be sought; and that there was no occasion to put it off till next session. He should have little hesitation in proposing, that officers so offending, should be subject to double the penalty of town lands; the half of which should go to the informer, and the other half to be appropriated to some other purpose.

For the amendment - - - - -	32
Against it - - - - - -	50
Majority - - - - -	18

HOUSE OF LORDS.

THURSDAY, MAY 25.

MESSAGE FROM HIS MAJESTY.

The Earl of Liverpool brought down a message from his Majesty, which was read by the Lord Chancellor.—[*See the House of Commons.*]

The Earl of Liverpool then rose, and moved that his

majesty's most gracious message be taken into their lordships consideration to-morrow, and that the Lords be summoned for that day.

Earl Grey rose, and made a few remarks on the subject of the message. As he was quite unacquainted with the intentions of ministers relative to the application of the pecuniary aid, he could only offer general observations. It was impossible for him to know what were the peculiar circumstances of the case, and how far they might be such as to justify subsidies. But thus much he felt himself entitled to say on the subject, that after the many years recent experience that had been afforded us with respect to our pecuniary assistance to Foreign nations, and after viewing what the state of Europe now is, and the probability of what may speedily happen, he thought that the first duty of the ministers of this country, in financial affairs, was the preserving and husbanding our resources, to meet the possible emergency in which we might be soon called upon to make still greater efforts than we had hitherto done; not merely to assist other nations, but solely in our own national defence. Indeed, if it should ever be possible to obtain peace, we should yet have to assume that defensive attitude which would leave our peace without the best enjoyments, blessings, and securities of a peace; and we therefore were called upon, whether for peace or for war, to exercise care and economy respecting our financial resources. This observation he applied either to the case of Austria, or to the future wants of Spain or Portugal. He would not attempt to give any decided opinion upon the subject at present, but he could not avoid stating his general opinion respecting our readiness to subsidize foreign powers at this period, after the experience we had so unfortunately had. He hoped, however, that the treaty would be laid on the table as early as possible.

The Earl of Liverpool rose to explain to the noble lord that there was no mention in the message of his majesty that the treaty with Austria was a treaty of subsidy. In fact, it was not so. There was no such thing in the treaty. The message also stated, that when the ratifications were exchanged, then the treaty would be laid before their lordships. Previous to that period, it could not be done. All that government meant to propose to parliament, in consequence of what had been said in the mes-

sage respecting pecuniary aid, was merely to ask a vote of credit, which was common before the session of parliament closed, to enable government to act as new circumstances might render it necessary before it re-assembled. The whole extent of the sum intended to be asked was three millions; a sum which, all things considered, his lordship thought could not be regarded as extraordinary. Under the present circumstances of Europe, he thought that if ever government might require confidence, it was when they asked for such a vote of credit.

The Earl of Suffolk made some observations on the subject of the message. Though he would not oppose the vote of credit, he could not but consider that whatever subsidies might be granted, would ultimately fall a burthen upon the people of this country.

Lord Liverpool's motion was then put and carried, *nem. dis.*

AMERICA.

Lord Viscount Sidmouth rose to put a question to the noble Secretary of State, or any other minister. His lordship was desirous of knowing whether any communication was likely to be speedily made to the House respecting the present state of affairs between this country and the United States of America.

Earl Bathurst observed, that no immediate communication was rendered necessary. Adverting to what had recently transpired on that point, he said that our minister in America had not acted, in the late arrangement concluded by him, conformably to the instructions he had received from this government.

Earl Grey expressed his regret at the unfortunate situation in which the negotiation with America stood; a situation which, he would not scruple to say, was contrary to what the interests of both countries eminently demanded. Considering the whole course of the negotiation, how every thing had gone on, as it were by rule and measure, in the discussion, he could hardly bring himself to believe that the gentleman entrusted as a minister there, from the opinion he had of his talents and his character, could have acted otherwise than according to his instructions, or according to what he must have believed to be the tenor and spirit of those instructions. It was true that the arrangement was different from that lofty tone that had been always held here by ministers on the subject of Ame-

rica; but he had at present no other information than what he had gained by reading the public newspapers. The time, however, would come when, for the honour of the country, as well as for the honour of that individual, the papers must be laid before the House. In the mean time, he regretted that this unfortunate circumstance was of such a nature, as to throw additional difficulties in the way of concluding so desirable a negotiation.

The Earl of Liverpool said, that he agreed with the noble earl, that this unfortunate and unauthorised arrangement would throw further difficulties in the way of final settlement. He stated, that the arrangement entered into by Mr. Erskine was not only not in conformity, but was contrary to, the instructions sent out to him by government, and therefore could not be ratified. Government had, however, done every thing in its power to prevent any ill consequences arising from an unauthorized proceeding from being incurred by individuals. Whenever the time came for laying the documents before the House, he could undertake to shew that the case was exactly as he had stated it with respect to this arrangement. There could be no necessity now for entering farther upon the business.

LORD BURGHERSH.

The Earl of Suffolk rose to notice an affair of recent occurrence, particularly as he saw a noble lord present (the Earl of Westmoreland), who, he supposed, could give him satisfactory information on the subject, which related to the interests of the military profession, to which he himself had the honour to belong. He alluded to the case of the promotion of Lord Burghersh, contrary to the regulations of the Commander in Chief of the army. He could not help thinking that the Duke of York would not have permitted such a promotion. He had before stated, that the army was in many respects under obligations to his Royal Highness, and particularly for this regulation. His lordship was proceeding to make some observations on the impropriety of a person's being in the situation of Commander in Chief, who was controulable always by ministers, when he was called to order from the opposite side. His lordship making a few more remarks, the Earl of Liverpool rose to order, and observed that no motion was before the House.

Earl Stanhope remarked, his lordship (Lord Suffolk) had not yet sat down.

Lord Suffolk proceeded, and stated, that if he could get no answer, he should, on a future day, move for a copy of the orders of the Commander in Chief, as well as for the particulars of the promotion of Lord Burghersh, as he was sure that such a proceeding must be highly injurious to the feelings of the officers of the army in general.

Nothing further was said, and his lordship did not fix any day for bringing forward a motion.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 25.

Sir Thomas Turton presented, pursuant to leave given, a bill for the relief of insolvent debtors in England. The honourable baronet expatiated at some length upon the necessity for this bill, in the miseries long sustained, and still suffered, by the unfortunate persons for whose relief it was intended. The prisons in every part of the kingdom were crowded by those unfortunate persons, in the aggregate proportion of five to three, compared with the number of prisoners for debt at the passing of the last insolvent bill. The prisons of the metropolis especially were crowded almost beyond example; in so much, that in one prison there were no less than thirteen persons crowded into a room, only fifteen feet by sixteen square, and in no room of that prison were there less than three at this hot season of the year; so that, in fact, the passing of such a bill was not only a measure of humanity and justice, but of sound policy. The bill was, as nearly as was consistent with its objects, a transcript of the last insolvent bill. He was aware it was at best but a temporary and palliative measure towards alleviating that system of misery and oppression which had so long subsisted under our statute law, namely imprisonment for debt, which was a disgrace to our civil code, and ought to be abolished altogether; a consummation, he hoped, ere long, to see effected. The principal difference in the present bill from the last was, to extend the limitation of debt, up to which prisoners were to be relieved, from 1500*l.* to 2000*l.* and to allow the prisoner surrendering his property to obtain his liberation, to retain 10*l.* instead of 5*l.* and furniture and working tools to the amount of 40*l.*

instead of 30*l.* with some minor regulations in favour of persons committed by courts of conscience; and he trusted to the humanity and benevolence of the legislature, for the adoption of a measure which was to rescue so many hundreds of unfortunate and meritorious men from a rigorous imprisonment, which could answer no other end than to gratify the vindictive spirit of persecuting creditors; and thereby restore them to society, and to the means of industry for the support of their families; for the bill did not propose to relieve any fraudulent debtor.

The bill was read the first time, and ordered for the second reading on Tuesday next, and to be printed.

COLONEL GORDON.

Sir Francis Burdett said that, some time since, certain papers respecting the grant made to Colonel Gordon, at Chelsea College, were moved for by an honourable friend of his, but had not yet been laid before the House. He wished to know if there was any intention on the part of ministers to produce those papers; because if not produced shortly, he must be under the necessity of moving an address to his majesty on the subject.

Mr. Long said the papers were now printing, and would, he trusted, shortly be laid before the House.

Sir F. Burdett hoped it would be time enough, before the breaking up of the House, to bring forward any question that might appear necessary on the subject.

The fourteen million annuity loan bill and the glass duty regulation bill were read the third time, passed, and ordered to the Lords.

ROYAL MESSAGE.

Mr. Secretary Canning delivered to the House the following message from his majesty:—

"GEORGE R.

"The king thinks it proper to acquaint the House of Commons, that the ancient relations of good understanding and friendship between his majesty and the emperor of Austria have been happily restored, and have been confirmed by a treaty, of which, when the ratification shall have been exchanged, his majesty will direct a copy to be communicated to the House of Commons.

"Although the provisions of this treaty do not include any stipulation for pecuniary assistance, his majesty is,

nevertheless, desirous of being able to afford to his imperial majesty such assistance of that description as may be called for by the circumstances of the contest in which his majesty is engaged against the common enemy, and as can be furnished by his majesty, consistently with the other extended demands upon the resources of his majesty's dominions.

"His majesty is equally desirous of continuing to the Spanish cause such succours as may be requisite for sustaining and assisting the efforts of that nation, against the tyranny and usurpation of France, as well as of giving consistency and effect to the exertions of the people of Portugal, for the defence of their lawful government and national independence.

"His majesty relies upon the zeal and public spirit of his faithful Commons, to enable his majesty to provide for these great objects, and to take such other measures as the exigency of affairs may require. "G. R."

The Chancellor of the Exchequer moved, that his majesty's message be referred to the Committee of supply to-morrow.

Mr. Tierney observed, that he understood, from the right honourable gentleman, that the vote of credit to be proposed at the close of this session was not to exceed three millions. He wished, therefore, to ask, whether that sum included all the aid intended to be afforded to those powers?

No answer was made.

MR. PALMER'S CLAIMS.

Mr. Palmer rose to bring forward the motion of which he had given notice before the holidays, with respect to his father's claim on government, relative to the 2½ per cent. &c. agreed to be allowed to him by Mr. Pitt on the postage of letters, &c. which had already been voted due to him by Parliament. He said, that in bringing this matter once more under the consideration of the consideration of the House, he must entirely rely on their candour, liberality, and justice. If it should be objected that there was no precedent for the motion, he conceived that was no argument, because, if it were allowed, no precedents could ever have taken place. He thought that one of two positions must occur. If the claim was decided by the House in favour of his relation, the House ought to

carry that decision into effect; if there was any legal objection to that being done, the House should put his relation in such a state as to enable him to remove that bar. There could be no doubt but government had it in their power to wave their privilege in any case in which they were implicated, so that the ends of justice might be obtained. This had been proved in an action brought by Wilkinson against the commissioners of the navy, in which it had been held by Lord Mansfield, that a refusal of that kind would be extremely prejudicial to the public service. It had been suggested, that it would be most proper to address his majesty to pay the money, and the House would make it good. It was not for him to say, whether this ought to be the mode, or any other; but he had always understood it was a maxim of the constitution, that there was no wrong without a remedy. Here was a case in which the House might make a remedy; and without their aid and assistance he was at a loss to know how the claims in question could be fairly investigated.—He would not, therefore, detain the House longer than to move,

"That the claims of John Palmer, Esq. on an agreement made between him and the post-office, be investigated by a jury, and that his majesty would be pleased to order that the receiver-general of the post-office should defend the same, so as to bring the matter fairly to an issue."

The Chancellor of the Exchequer said, that if the House acceded to the motion, no benefit could arise from it to Mr. Palmer, as it was impossible the defence of the Attorney General could bring the matter before a proper tribunal. A legal opinion had been taken on the subject, and that was, that no legal right could be established. The office was to have been granted by patent, for the life of Mr. Palmer; but neither the duty nor salary were so defined and fixed as that a jury could determine on the subject. He should rather suppose the mode would be to ask for an equitable relief. It was certain no such office could be granted by act of Parliament, and there was therefore no legal remedy. But there had been certain parts of the conduct of Mr. Palmer, which, supposing he had obtained the place, would have justified the Attorney General to move, that the appointment should be set aside; and therefore no issue

could be framed on which the case could be tried. It was in short such a thing as was never before done by the House of Commons. No court of law would receive an issue directed by the House of Commons. They would act according to their oaths and to precedent. The first agreement gave an independent situation—the second one that was dependent on the post-masters-general, in which Mr. Palmer so conducted himself as to forfeit their good opinion and confidence. The House could therefore give no direction as to an issue; and it was trifling with them to say these matters could be brought before a jury; and surely the House would not direct a matter to go before a jury which could not be investigated.

Mr. Adam desired his right honourable friend who had just sat down to consider what was asked by the motion. Not that an issue should be directed by the House of Commons, but that an action should be brought by Mr. Palmer, and that no advantage should be taken in the plea that it was against a public office. He remembered this being done in the case of Mr. M'Heath against General Haldimand, and the matter was tried in the court of King's Bench. If Mr. Palmer was to bring his action against the receiver-general of the post-office, he must be nonsuited, because there was no agreement. All he asked was that his majesty should direct his Attorney General not to use this plea; and it was certainly competent to the House to put the matter in such a train as that of an issue between a private person, instead of a public officer. He would, however, wish his honourable friend to amend his motion, and that it should run thus:

"That the claims of John Palmer, Esq. on an agreement made between him and the post-office, should be inquired into by a court of equity, or by an action at law before a jury."

The Chancellor of the Exchequer said, the honourable gentleman ought to lay a state of the case before the House before he called on them to proceed in this way, unless he could do a great deal more than was intended by this action. The receiver-general could not be defendant; there were two or three agreements in this case, and was the receiver-general to be the defendant to all of them? It could not be. Mr. Pitt had entered into an

agreement, Lord Carteret into another; but the receiver-general was a party to none of them. It was not consistent with the dignity of the House of Commons to interfere in such a case. It was not easy, nay, he thought it impossible, to frame an issue; and new as the question is, and unknown to the House, he trusted they would not so far lose sight of their dignity as to enter into the subject, either on the motion or the amendment.

Mr. Stephens objected to the motion on the same ground as the last Speaker: he added that if Mr. Palmer had been dismissed from his situation in consequence of misdemeaning himself in his office, the only question would be, how far the liberality of the House would relieve him. Was that a question on which any court of equity or jury could give him an opportunity to try the merits of his case? Though the House might direct such an issue, and the jury determine on it, the law would set it aside; it would be a mere nullity: and it would be ridiculous in the House to advise the crown to do that which could not be legally determined. If his right honourable and learned friend opposite would say how it was to be done, looking at it with a professional eye, he should not object further.

Sir T. Turton said, the question was, whether or not this was such a matter as could be tried with the consent of the crown; whether the agreement of per centage voted by the House should be carried into effect. What was the dignity of the House, if they suffered his majesty's ministers to shelter themselves under forms when there was an absolute resolution of the House on the subject placed on the journals. There was only one mode he knew of, and that was by a petition of right. Monstrous idea, that if a man makes an agreement with an individual, he will be compelled by law or equity to make it good, but against a public officer he can no way obtain justice. All that was asked of the House by the motion was, to give the means of recovering what they themselves had voted. Is it then that delinquency, which has vitiated the agreement of 2*l.* 10*s.* per cent.? Let the fact be fairly ascertained by a jury; that was all that was desired; and was thus strenuously resisted on the plea of form. If this conduct was to be pursued towards those who have agreements with ministers, he would sooner take the note of the commonest swindler in the street,

than that of his majesty's servants. Let the House put the matter in a fashionable shape on their table, he meant a tangible shape. The dignity of the House had been talked of, and he would be glad to see it exerted and adhered to in the present case. Resolutions had passed, which voted to Mr. Palmer the per centage of 2*l.* 10*s.* Ministers thought proper to prevail with the House to put this into the appropriation act. It was found in another House, that the appropriation act was not a proper place for it; and ever since the resolutions, five times carried, had been suffered to remain a dead letter. If he could have had his way, the motion he would have made on the present subject would have been to compel ministers to pay the debt due from government to a meritorious individual; and the House would lose sight of its justice as well as dignity, if it did not enforce it. "We want," said he, "substantial justice: put us in a way to obtain that, and it is all that we desire." There was nothing called more loudly for reform than the abuses in the expenditure of the public money, except that of the maintenance of public faith.

Mr. Rose said, no man was more desirous that the public faith should be preserved than he was; but that was no reason why a question of this nature should be acceded to against every rule that had ever been heard of. When the honourable baronet stated, that Mr. Palmer was entitled to per centage, he should recollect, there were two parts to the agreement; and when Mr. Pitt departed from that agreement with Mr. Palmer, he did it as a matter of favour to him. He had even been his friend, and wished him well as an individual. If Mr. Palmer had received the patent, he would have forfeited it; for it appeared by the report that he had not only misconducted himself in his office, but he had instructed and persuaded others to do the same; and would any man tell him, that if this had been brought before a jury in the court of King's Bench, it would not have vitiated his patent? He was sensible it would. However, if they could put the motion into such a shape as that the matter could be tried before a jury, he had no objection to it.

Mr. Fuller said, that, after four or five decisions of that House on this subject, he thought it extremely odd the opinion of the House respecting the public money should be so long and so totally disregarded. He thought a me-

ritorious individual had been ill-used, and the House had so decided. He was, however, in favour of the motion: he thought it ought to be carried to a jury. The Court of Chancery could direct an issue to try a question of fact, and he could see no reason why that House, which was a still higher court, had not the power to do the same.

The Solicitor General objected to the motion both as original and as amended. It was a motion, at the entertainment of which in that House those men who might come to consider it in a judicial point of view would be astonished. He contended, from the unfinished state of the contract between Mr. Pitt and Mr. Palmer, from the imperfect documents existing as to its authenticity, some of them without signature, and most of the agreement itself verbal, that it would be almost impossible to put the question in a course of judicial inquiry. He contended that it would be possible for an individual, with the most feeble cause, by private solicitation and general canvassing, to collect an assemblage of friends in that House.

Sir T. Turton rose to order on the ground that such an insinuation tended to hurt the character of the House.

Mr. Horner spoke to the same effect.

The Chancellor of the Exchequer defended the expression, which he contended was meant merely in a general view, and conveyed no possible slight to the House.

The Solicitor General expressed his sorrow that any such interpretation should have been put upon his expressions. He said it was impossible to send the question into a court of law, even with any admissions by which the plaintiff and defendant could stand upon equal terms, on account of the distance of time at which the agreement was made, and the decease of one of the parties to it. He considered the present request to trench on the prerogative of the crown; and for his part, while an official man, he never would admit the principle that any suitor claiming against the crown as the representative of the public should deviate from the general path laid down. He could see nothing in this case which could justify such a deviation. The courts of law were open; and why should the casual aid of that House be resorted to?

Mr. Windham said, though he might agree with the right honourable gentleman in not wishing to originate a dangerous precedent, still he did not see how such an expression was applicable to the present case. It had been

said by some gentlemen opposite, that the House ought not to be placed in an awkward situation; but they were so situated already, for they were now debating about the best method of carrying a claim into execution, the justice of which claim they had fully and frequently acknowledged. (*Hear, hear!*) It was said, that the courts of law were open to Mr. Palmer, and he might go to law. But where was the possible use of his going to law, unless the king would first consent to wave his prerogative in this instance? The request was by no means dangerous, for certainly nothing could be clearer than that a prerogative was not trenched on by the request that it might not be enforced in a particular instance. It was, as he heard, even the custom at times to relax it, and all the public boards dispensed with it on particular occasions, and allowed themselves to be sued as individuals. Little either did he think the dignity of that House could be hurt by its doing justice to Mr. Palmer. All Mr. Palmer asked was, to go to law, for what was his right, and what that House had often acknowledged to be his just demand.

Sir S. Romilly followed on the same side, and combated the arguments of the Solicitor General. He ridiculed the idea that the prerogative of the crown could for a moment be injured by this request, and could still less conceive how the dignity of that House could be compromised by its allowing Mr. Palmer to go to law upon a question in which he might possibly fail. (*Hear!*) He did not mean to enter into the merits of the case, but conceived it would be very hard indeed to prevent an individual from an opportunity of obtaining justice.

Mr. Palmer went at some length into reply; he vindicated the conduct of his father, and dwelt severely on the absurdity of Lord Walsingham's conduct as post-master-general, whose authority, even had it been discreetly used, his father was not bound by his agreement to acknowledge. He stated the advantage and immense saving the public had derived from the operation of the plan for which compensation was sought, and asserted, that no single expectation which Mr. Palmer had ever held out had proved fallacious. He animadverted strongly on the conduct of Mr. Rose, in the course of the transaction, and compared the merit, origin, and services of Mr. Palmer to those of the former gentleman, who yet pocketed

such large sums of the public money, enjoyed so many treasury places, and commanded such extensive patronage. He said that some objections had been made as to the form of his motion, but all he wanted was justice, and he would be happy to concur with any gentleman, be he who he may, who would point out the best method of obtaining it. (*Hear, hear!*)

Mr. Rose replied to the personal allusions which had been made to him, which he said were equally indelicate and unmerited, as he had done his utmost to guard Mr. Palmer against those who opposed him in the post-office.

Mr. Long opposed the motion.

A member, whose name we could not learn, spoke in its favour.

Mr. Ponsonby rose amid loud cries of question, and said, he only desired to express it as his opinion, that the petition ought to be acceded to, and that the statute of limitation ought not to be enforced in this instance.

On the gallery being cleared, the debate was continued when a division took place, and the numbers were,

For the motion - - - - -	127
Against it - - - - - - -	123
Majority - - - - - -	4

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 26.

A message from the Commons announced to their lordships that the House of Commons disagreed with their lordships' amendments in the militia completion bill, and desired a conference with their lordships thereon. The message was brought up by Lord Castlereagh and other members of the Commons.

The Lord Chancellor informed the deputation of the Commons that their lordships would meet them in conference in the Painted Chamber. The Commons then acquainted their lordships that they were ready to meet their lordships in that place.

After the conference the Earl of Liverpool rose, and informed their lordships of the subject of conference, and then moved that their lordships should not insist on their

amendments on the said bill, which motion was carried, *nem. dis.*

HIS MAJESTY'S MESSAGE.

The Earl of Liverpool rose to move an humble address to his majesty, thanking him for his most gracious communication to the House, and assuring him of the readiness of that House to comply with the intentions of his majesty. The noble earl took a short review of the circumstances that had occasioned his majesty's message, and stated that the present contest into which Austria had entered with France, had arisen solely out of her own view of the state of her empire, and the dangers with which it was menaced by the oppression and ambition of the enemy. The government of this country had not by any argument or persuasion, or by the exercise of any sort of influence whatever, contributed to the determination which the Emperor of Austria had been advised to make. But whatever might be the case with respect to that point, he believed that not one of their lordships could entertain the smallest doubt as to the justice of the great cause in which Austria had engaged in war with France. On that subject he believed there could be but one opinion. He therefore hoped that their lordships would be unanimous in their vote in favour of the vote of credit which he was about to move. A similar vote during war had been the usual practice of Parliament; and it was certainly most desirable to afford every practicable facility to Austria in the existing conflict, in resistance to the overbearing tyranny and unbounded ambition of the French government. The treaty which his majesty had concluded with the Emperor of Austria could not be laid before the House till the ratifications were exchanged; but he took that opportunity to state again to the House, that that treaty contained nothing whatever of a subsidiary nature. All that government now asked was a vote of credit for the sum of three millions to be placed at their disposal, and to be used by them as circumstances might render it advisable to dispose of it. This was not asked merely with a view to the affairs of Austria, but also with reference to our ancient ally of Portugal, and to the cause of Spain. He was happy to say that the interests of the Peninsula did not appear so desponding as to cause us to refuse a continuance of our aid to

those who had so nobly, so gallantly, so patriotically and loyally maintained the honour and independence of their country against the pretensions and invasion of France. While the same noble and determined spirit was manifested, he was convinced that it was the policy of this country to continue its assistance to them. What might be the result of the contest, it was impossible to foresee; but while the Spaniards did not despair of it themselves, while they evinced the same manly and patriotic disposition to defend their rights and their independence, he trusted that their lordships would feel the propriety of assisting them in a cause, in the object of which every one must sympathise with them, and wish them success. He repeated, that in the case of the Austrian war, their government had in no respect been urged by this country. His lordship concluded by making his motion.

The Duke of Norfolk said a few words, in which he expressed his sentiments on the great necessity of taking care of our own resources, for the purpose of our own protection. In point of justice there was no claim upon us from Austria, nor any further claim from Spain, though he would add, that he wished them every success in their endeavours. There was however a duty which we owed to ourselves. If France succeeded against Austria, which was but too probable, then he feared a similar success would be obtained by France over Spain: and we must bring our minds to a situation in which we were to go on without the continent of Europe. Indeed, even if we made peace, we should have to preserve that peace by such a defensive attitude as would continue to entail upon us vast expences; and therefore, upon a view of the whole, he thought we should, particularly after our late campaign in Spain, be careful how we expended our lives or our treasures. His Grace then made some observations on the system pursued in Spain, of fighting for an unfortunate individual in captivity, and compared it with our conduct at the Revolution, when we took a different course, and chose another person capable of doing something for our cause. His Grace seemed to infer that the Spaniards did not act wisely in this particular.

Lord Harrowby rose in consequence of the observations of the noble duke. This country might, as the noble duke thought, lose some part of the money voted, in the event of the failure of Austria and Spain; but, it would

lose nothing of its character—it would lose nothing of its fame or its high reputation. It would have the consolation of knowing that it had not, by its supineness and indifference, assisted the common enemy in the downfal of Europe. His lordship defended the vote of credit as an usual measure, and one which the present circumstances particularly called for.

The Marquis of Douglas, in a low tone of voice, stated his objections to the subsidizing of the continental powers. He saw no great hopes from the Austrian contest, as Buonaparte was now at Vienna, and there was even reason to suppose that the Emperor Francis had solicited peace. There was no duty, he contended, on our part, which required any pecuniary assistance to Austria. He cautioned administration against an improper expenditure of money on continental connections.

Lord Boringdon was happy to hear from ministers that we had taken no part in urging Austria to the present war. He was satisfied, nevertheless, that the vote of credit was usual, reasonable, and necessary. It was certainly desirable, whatever might be the issue of the war, that government should possess the means of assisting, to a moderate extent, the efforts of the European nations against the oppressions of France. There was nothing, he heard, of subsidy in the treaty with Austria. All that was asked was a vote of credit, to enable ministers to act according to the exigencies of affairs.

The Earl of Liverpool's motion was then carried.

HOUSE OF COMMONS.

FRIDAY, MAY 26.

Mr. Foster presented a bill for raising a loan of 1,250,000*l.* by way of annuity; and also a bill for raising a loan of 500,000*l.* by treasury bills, for the service of Ireland in the present year; both were read the first time, and ordered for the second reading to-morrow.

Mr. Vansittart moved for the printing of several accounts upon the table, respecting the proceedings of the commissioners for the reduction of the national debt.—Ordered.

Lord Castlereagh moved, that a Committee of members then present be appointed to attend a conference with a Committee of the Lords, respecting some amendments

made in the Lords House, upon the local militia amendment bill. Agreed to: the Committee attended forthwith, and on their return, Lord Castlereagh reported to the House, that the Lords had agreed to withdraw their amendments.

CRIMINAL CODE.

Sir Samuel Romilly rose to revive a motion he had made in the last session, for a return of the number of persons who had been committed to the various prisons throughout the united kingdom for a certain number of years, in order to be tried for capital and transportable offences, specifying such as were convicted, such as underwent the sentence of the law, and such as were pardoned, or their punishments commuted for others of lesser severity; and his object in this motion was to submit for the consideration and adoption of the legislature, but not before the next session, a measure for mitigating the severity of the criminal laws, and better securing the certainty of punishment for actual guilt. As to the return necessary, he should go back to the year 1802. What he wished chiefly to know was, the number of persons who were convicted of capital and transportable offences, distinguishing those who had suffered the sentence of the law; but he found great difficulty in obtaining any correct information on the subject at the office of the Secretary of State. It appeared there, that from 1802 to 1808 the number of males committed for stealing in dwelling houses was 499, and the number of females 414; and out of the number of 913, it did not appear that more than one was executed; but there were no means of ascertaining how many of the remainder were convicted, or how they were disposed of. With a view, therefore, to distinguish what was the practice compared with the law, he should move for a return of the number of persons committed for trial in the several counties for the years 1805, 1806, 1807, and 1808; distinguishing the crimes for which committed, the number convicted, the cause of punishment, the number discharged by proclamation, and the number executed. The next return wanted was the whole number sentenced to transportation to New South Wales, with the several periods of their transportations from the time of its first establishment. There was another point on this head most material for consideration;

namely, the time usually allowed to elapse after sentence, before those persons are sent out of the country, a time often exceeding the period limited by their sentence, and during which they were generally imprisoned on board the hulks. It would therefore be necessary to move for the dates of the several convictions, the numbers who died on board the hulks, and the dates of departure for New South Wales. He thought the long continuance on board the hulks a mischievous practice, and that this should not be any longer permitted. He concluded by moving for the returns already stated.

Mr. Jenkinson said, that owing to the nature of the returns made from the different prisons hitherto, it would be impracticable to comply with the whole of the right honourable gentleman's motions; he had, however, no objection to comply with the motions so far as was practicable.

Mr. Abercrombie said he had given a pledge in the last session to bring this subject before Parliament; and he had only waited in deference to his majesty's ministers, in the hope that they would have brought it forward, as a duty more appropriate to them; and had they done so, and referred the subject to a Committee, he could have brought forward the testimony of persons lately returned from New South Wales, after many years residence, and who could have given much and important information as to the state of the colony, which was of high importance to this nation; for no less than 14,000 persons had been sent thither from this country since its establishment, and its population still rapidly increasing. No man therefore could predict the ultimate importance of that place to the mother country; and it was high time, after a lapse of twenty-five years since its establishment, that some review should be taken by the legislature, to inquire into its situation and what were the effects of those laws under which it was established. If his majesty's ministers did not bring forward the business early in the next session, he pledged himself to move for a Committee on a subject of which this country knew so little.

Lord Castlereagh admitted the bounden duty of government to pay every attention to this important subject. They accordingly had not been omissive in their duty, but had adopted such measures as upon the best information they could conceive were necessary. In a colony so

very distant, it was necessary to arm the executive government of the place with extensive powers. Government had been for some time desirous of establishing there a new order of things. A new governor was now on his way thither, with full instructions; and he trusted it would be found that no care had been wanting on the part of his majesty's government to promote the welfare of the colony.

Mr. Horner supported the idea of Sir S. Romilly.

All the resolutions except the first, which was withdrawn, were agreed to.

ROYAL MESSAGE.

The Chancellor of the Exchequer brought down the following message from his majesty:

"GEORGE R.

"His majesty has directed returns to be made and certified by the archbishops and bishops of England and Wales of the number of livings under the value of 150*l.* per annum; and perceiving from these returns, that, notwithstanding the operations of the act passed in the 2d and 3d years of her majesty Queen Anne, for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first-fruits and tenths, the maintenance belonging to the clergy in divers parts of the kingdom is still mean and insufficient. His majesty has directed an abstract of the returns, as far as the same have been completed, to be laid before the House of Commons, and if the House of Commons can find any proper method of enabling his majesty to accelerate the operation of the said act, it will be a great advantage to the public, and very acceptable to his majesty. "G. R."

On the motion of the Chancellor of the Exchequer, the message was ordered to be referred to the Committee of supply.

The right honourable member who presented at the bar an abstract of the returns of the first-fruits and tenths, which he moved should lie on the table, and to be taken into consideration on Wednesday next.

Mr. Ponsonby wished to know whether it was the intention of the right honourable gentleman to take any steps in the business this session.

The Chancellor of the Exchequer said, it was in his

contemplation to propose that a sum of money should be granted to the trustees of Queen Anne's bounty, to be applied to the relief of the clergy who were entitled to it under that act. To this, he trusted, the House would have no objection. As to any ulterior object, he would defer the consideration of that until further information was laid before the House.

Lord Castlereagh obtained leave to bring in a bill for the better regulation of the office of agent-general to volunteers and local militia.

COMMITTEE OF SUPPLY.

Previous to the reading of the order of the day for going into a Committee of supply, Mr. Huskisson mentioned, that in the next issue of exchequer bills, the interest would be reduced from $3\frac{1}{4}d.$ per cent. per day to $3\frac{1}{2}d.$ which, upon the number generally in circulation, would produce a saving to the country of about 100,000*l.* a year.

It was also settled, that any discussion on his majesty's message relating to pecuniary assistance to Austria, Spain, or Portugal, should take place when the report should be received.

The House having resolved itself into the Committee, three millions were voted to his majesty, and 300,000*l.* for exigencies for Ireland.

The report was ordered to be received on Tuesday next.

WAYS AND MEANS.

On the motion of the Chancellor of the Exchequer, three millions to be raised by exchequer bills were voted towards raising the supplies.—Report on Tuesday.

ADJOURNED DEBATE.

Mr. Curwen moved the order of the day, for resuming the adjourned debate, on the bill for the prevention of the sale of seats in Parliament.

The Speaker explained, that the question was, that he now leave the chair.

Sir John Newport observed, that the object of the bill proposed by his honourable friend would be of importance at any time, but it was more imperiously called for at this hour than any other. He felt anxious at all times to promote such regulations as were calculated to give effect to the spirit of the Grenville act. This was a privilege that the House constitutionally possessed, and which

it had often beneficially exerted. He need only mention the recent case of Aylesbury. The measure now proposed was precisely of the same nature, with this only difference, that it went to prevent corruption; the Aylesbury bill to punish it. That case was particularly flagrant. So notorious was the corruption, that the sale of that borough was effected by delegates coming up to town, and seeking for a purchaser with whom they might traffic. That offence was punished by disfranchising the corrupt electors, and calling in others from the adjacent districts to purify and correct the corrupt mass of voters. The effect of this salutary measure was the establishment of the influence of property, which he maintained to be a perfectly constitutional influence. He could not agree with a right honourable member below him (Mr. Windham) that it was the duty of the House to make a stand against innovation; but he thought that they should first correct abuses, and then make their stand. For his own part, he had no fear that any general call would be made in the country that could bring the constitution into danger. Whenever any cry was raised for the purpose of overawing the deliberations of the legislature, its mischiefs were not of long duration. The people soon recovered from it, and its effects fell on the heads of those who excited it. He was persuaded that great benefits would be derived from the measure; and he wished it to be impressed upon the people, that the House was disposed to deal out equal justice to the elected and electors. It would also operate as a guard to popular election. The operation of the bill would be particularly favourable to burgage tenure; and men of talents would be more likely to find their way into that House than if money were the sole passport to it. Those who possessed influence would look out for men of talents and virtue, such as would be a credit to themselves and their recommendation. Of this a memorable instance occurred in Ireland, where Lord Charlemont introduced into the parliament of that country a member (whom he was proud to call his friend) of distinguished talents, and who had proved himself not only the friend of his country, but the friend of human kind; he meant the right honourable member (Mr. Grattan) for the city of Dublin. (*Hear, hear!*) That nobleman, upon being applied to upon some proposition relating to the surrendering of boroughs, replied that so long as he had held his borough, he had considered himself as holding it in

trust for the public, and that he had always returned such persons for it as were capable of rendering them service. The honourable member observed, that if ever there was a time when it was incumbent on Parliament to consult the popular opinion, and to endeavour to acquire confidence by fair and legal means, it was the present. He would not go the length of saying, that they were bound in all cases to surrender their opinion to that of the people, but that they should look with doubt upon any opinion of their own, contradictory even to the prejudices of the people. The common enemy could not possess a greater friend in this country, and one who could more powerfully contribute to aid him in his design upon it, than he who would advise Parliament to scout popular opinion. There was a deference justly due in this country to the popular voice. The representatives of the people could adopt no more effectual means of recommending themselves to the confidence of the people, than by doing away what was called the trade of Parliament. It was notorious that many persons paid their money for seats in that House upon speculation. The speculator purchased a ticket in the parliamentary lottery, and the public were sure to pay the prize. Of these speculators some were commercial, some professional persons; but the object of both were the same. Now, he wished to put down this traffic, and conceiving that it would be effected by the bill before the House, he would vote for going into the Committee.

Mr. W. Smith said, that there were no two things more different than a parliamentary and anarchical reform. The former was not only a reform of Parliament, but it was a reform of Parliament in Parliament. He would not vote for going into the Committee if he did not expect that the bill would lead to something further. If he were asked why he looked to something further, he would answer, that if he did not, he would not have begun where he ought. It was a melancholy fact, that among the electors, even among those best constituted, there was more corruption than any friend to his country could desire. It was a mockery, a gross and insulting mockery, to tell the electors that they were not to be allowed to sell their votes one by one, while another was permitted to sell them in gross. His objection to the present bill was, that it did not cut up corruption by the roots, but that it lopped off only a few branches from the

worst part of the constitution. It did not impose any oath upon the nominators to boroughs. There were three modes by which the sale and purchase of seats could be effected. They may be trafficked, either for dignities, for influence, or for money. If the former medium was excluded, the market would be entirely under the controul of ministers; for it was only from them, or through their accommodation, that places or titles could be obtained. If boroughs were to be purchased for money, ministers would find many competitors; but when dignities or influence could alone be received in exchange, they would have the market to themselves. This would impose an additional affliction upon representation. Although he did not expect much from the bill, he would consent to let it go into a Committee, to see whether the objections to it could be removed. It would admit of a question, whether corruption was most to be feared in the person who was sent to Parliament, or in him who sent him there. The former was ostensible and responsible; responsible not indeed to the electors who sent him to Parliament, but to the country at large. That is, he was bound, or rather he could not well decline, if called upon, to explain the motives of any vote he might have given. The person who nominated had no occasion to fear the inconveniencies of responsibility or exposure. He could peep behind the curtain, and enjoy all the advantages resulting from the corruption of the person who was returned through his influence. The motives of members for obtaining seats in that House were various. He would not deny that some of these were most corrupt and improper; but he also knew that there were many persons in that House who purchased their seats, whose views were as pure, as liberal, and as constitutional as those of persons who owed their election to the free voice of the people. If he were sure of always obtaining such men, he would not be very solicitous about parliamentary reform. He was persuaded that the bill coming upon the back of what they had seen of late must be productive of great advantage, and therefore he would vote for going into the Committee.

Mr. Spencer Stanhope would vote for going into the Committee; for a more imperfect bill he never read, or one that was more objectionable in all its clauses. He wished to see whether there was a possibility of remedy-

ing them in the Committee. If the question had been for the third reading of the bill, he would have voted against it.

Mr. Davies Giddy said, he objected to the bill, because, in his opinion, it went to alter in a very material degree the constitution of the country. There could be nothing more essential to the welfare and prosperity of any country, and of this in particular, than the security of private property; no constitution could be safe where that was not fixed and established on a sound and permanent foundation. The property in freehold tenures, which gave a right to vote, was as much entitled to the protection of the House as any other species of property whatever. It had a long time been a matter of nice consideration in this country, how far they could admit interest to be taken for the use of money, for fear it should degenerate into usury, and it was not till after the lapse of many years, that the proper line was drawn in regard to that most important article, the loan of money, in a commercial country. An honourable gentleman had advised the House to consult the popular opinion. In his mind there was no term more ambiguous than that of popular opinion. If by that term it was meant to listen to the arguments and sentiments of large bodies of men, convened and collected together for particular political purposes, they should shortly be reduced to a subordination to Committees possessed of a sweeping power, and the inevitable result must be that the government would be converted into a demberacy. Than this sort of government nothing could be more to be deprecated; it was impossible that any large extended country could exist under a domocracy; for after a few years of the tumultuary proceedings of such a form of government, it could not fail to end in an absolute tyranny. He was one of those who wished the bill to go into a Committee, in order to see if any thing could be made of it in the way in which it was intended to operate. The bill went to inflict a penalty on corruption. He believed there was such a mass of corruption in the representation as ought, if possible, to be put a stop to; but how was it to be done? If you go from the boroughs to the great towns, you will find it nearly the same in both, and how are you to remedy it? Would you disfranchise the votes in the latter as well as the former? For his own part, he could not but view

the small boroughs in a very different light to what many others did. They were a medium to which some of the greatest and brightest men, whose talents had ever adorned that House, had made their way into it; and really he did not see how they were to be got rid of by any other mode than that of flattering the vilest passions, and calumniating the government, which could not fail to produce great and universal discontent, and might lead to violence in the country. It had been stated by the honourable baronet who opened this debate, that no man who came into the House by means of money ought to be allowed to remain in it. He differed very materially with the honourable baronet on that subject. Having a constitution under which we had gone on so long with the utmost success, happiness, and prosperity, we should be extremely careful and cautious how we attempted to alter it. He had travelled over a great part of the country, and there was not a town or village in it which he had visited in which its prosperity was not strikingly manifest. Our manufactures, except such as greatly depend on the luxuries and frivolities of foreign countries, were in a most prosperous and flourishing state; and if the effect of those efforts intended to bring about a reform should produce a ferment in the country, from which confusion should ensue for one single week, more serious mischief and calamity would result from it than from all the corruption which had ever taken place since the reign of William III.

Sir Francis Burdett said, that doctrines so novel and extraordinary had lately been introduced into that House, he found himself altogether at a loss how to answer them. The situation in which he stood at that moment was so new and so unknown to the received and acknowledged principles of the constitution, that he could not but conceive the House no longer wore the appearance of being the representatives of the Commons House of Parliament. The circumstances of the present day were so new and singular, that it seemed impossible to call that House the representatives of the nation—but, like the atoms of Epicurus, some represented one thing, and some another—some represented certain small parcels of individuals, some their own money—but, least of all, did they represent the Commons of England. He felt, therefore, considerable difficulty how to act; but he was determined to

do his duty to those who had delegated him to that place, and would raise his voice in as strong and energetic language as decency and decorum would allow, against that system of corruption which, if not immediately assailed and speedily overcome, must prove most disastrous and destructive to the dearest and most vital interests of the country and of the constitution. The present debate had been originally opened by an honourable gentleman opposite, whom he did not then see in his place, in the most extraordinary manner, and upon the most extravagant ground he had ever heard of. He had attempted to justify the present mode of sending members to that House, by comparing it with what had been done in former periods of our history. He (Sir Francis Burdett) thought it, however, necessary to state, that if that House could be allowed to be viewed in any other light than that of the representatives of the people, they would lose all their dignity and importance. That honourable member, in the statement which he made in order to cover the shame of their House, for the transactions which had lately passed in it, had avowed that the House had formerly been in the pay of a French monarch. He knew not to what particular period the honourable gentleman meant to allude: whether it was to Charles the Second when he sold Dunkirk to the French, or to the particular case of Barillon, who took upon him to stigmatise that House with the title of the pensioned Parliament. He did not envy the honourable member his feelings, which could permit to him to bring forward such an extenuation of the present proceedings of that House. If he meant to say that members had a right to sit there by means of corruption, he hoped this doctrine would stimulate ministers to act, and openly to declare, that the House, as then constituted, was not the Commons House of Parliament.

The Speaker rose to order.

Lord A. Hamilton said he thought that as the argument had been stated by the honourable gentleman, and the honourable baronet had only commented on it in general, he was not out of order.

The Speaker said, the reason why he had called the honourable baronet to account was, that he had said "they were not the Commons House of Parliament."

Sir Francis Burdett continued, and said that he was aware of the reason why the Speaker called him to order.

as sensible the right honourable gentleman was fully impressed with the idea of better times. Up to the 12th of this month, he had always supposed that the House was pure, otherwise he should not have incurred his interruption. He was now addressing him on a new and very extraordinary situation of the House. The honourable member had called the attention of the House to the South Sea scheme. He could not have adverted to a more unfortunate era; for they at that period punished corrupt ministers. That House did not seem to possess the feeling instinct of the animal world; for when once a deer was wounded, the herd would never more allow him to associate with them. The House, however, seemed willing and desirous to try something to cure the corrupt character of a minister. The honourable member had instanced the cases of Lord Melville and the Duke of York—"You, Sir, (addressing himself to the Speaker,) did on that occasion preserve, by a casting vote, the dignity of the House; but did the honourable member recollect that those who voted against Lord Melville voted for his being tried by a jury?" As to the Duke of York, he knew not how he could form an argument as to the judgment of the House: to advise his Royal Highness to withdraw from the command was to abide by the judgment of the House. There had been many gentlemen in the House, at various periods of time, who had declared that the state of the House of Commons must lead to an arbitrary system, either by means of a corrupt parliament or a standing army. The honourable member who had just sat down had told the House, that many members of the most eminent talents had found their way into that House through the medium of the small boroughs; and that, therefore, they were of advantage to the interests of that House and of the people. He differed however on that point; he did not wish that House to be a theatre for political adventurers, for lawyers to make their way into it as a path which was sure to lead them to the goal of patronage and preferment in their profession. He would certainly wish that property should have its full weight. He objected, however, to the bill, because it gave a monopoly to the minister of the day, and he objected to it in every point of view. He thought it held out what it could not accomplish; that it was, in fact, childishly imperfect. He objected to the oath, as a clumsy left-

handed measure of reform, tending much to introduce greater immorality than at present prevailed among us. There were so many pregnant instances of getting rid of oaths, that it was necessary to put a stop to them. He alluded particularly to the oath of qualification in that House. The East India directors had formed an oath that was not effective, and the Custom House and Excise oaths were so well known to be considered as nugatory and of no avail, that to continue them was a mockery of justice and a vital stab to morality. He did not believe there was more virtue in this oath than in any of the others, except as to its length: it was certainly the longest oath he had ever seen, and he considered it as an aggravation of the evils of which the people of England have a right to complain. He thought it was a strange state to which we were now reduced. He, and those with whom he acted, were reproached, because they were of no party; they did not want place or pension; but because they would not be constantly thwarting his majesty's ministers in every thing they brought forward—because they did not wish for a change of ministers, and conceived that the present were as adequate to carrying on the public business as any other, they were found fault with as expressing a language which was palatable to none of their opponents. He should, however, content himself with standing up as the constitutional guardian of the rights and privileges of that House, of the people, and of the public purse. He considered, that those who were not now in place were not to be regretted on that account, because, when they were in office, they had not done any thing they had previously promised to do. He alluded particularly to Mr. Burke's bill, which was introduced with a display of eloquence, as a measure of economy; and yet, notwithstanding all its boasted virtues, Mr. Burke survived the effects of it, and to see it a mere dead letter. As to the public purse, it had been seen that Lord Melville set it at defiance, and the House had not sent Lord Melville to the Tower. The very admission of this bill allowed, that something ought to be done; but he objected to it, because it allowed a kind of measure by which ministers would be protected, and the gentlemen on the other side shake hands with them. He adverted with considerable severity to the corruption practised in Ireland at the time of bringing about the Union, and from all

those circumstances inferred, that a reform in parliament was absolutely necessary. Many gentlemen think this not the time for a reform, but what was the time? He feared many were of the opinion of Mr. Charles Townsend that neither in time of peace or of war was it proper to bring it forward, and if so, when could it be done? In 1785, when Mr. Pitt was a friend to reform, Mr. Dundas was also a friend to it; but as soon as they became ministers, however friendly they were to it before, they then turned their backs on it.

Mr. Fuller was astonished that a gentleman should depreciate the liberty of his country at a time when he was making one of the freest speeches that had ever past the lips of man. With respect to being a real representative of the people, he certainly had as much right to call himself so as the honourable baronet—for he had never bribed the county of Middlesex, and thrown away 70,000*l.* upon an election; nor had he ever produced 3 or 400 voters, who were afterwards found not to be voters, and many of whom had since been sent to Botany Bay.—(*Hear!*)—As to the people who made fine speeches, and clapped their hands upon their hearts—*they might as well have clapped them any where else.* (*A laugh.*) After they had gained their object, they might perhaps exclaim like Jack Wilkes, "What fools these fellows are to be so deluded!" With respect to the bill, he did not think it could be effectual—for there were many things besides money which a man might give to procure votes, such as a *puncheon of rum*—(*Loud laughing*)—*a horse to another*, and *a pipe of wine to a third.* He had no objection to allow the bill to go to a Committee; although he did not like the administration of oaths proposed in it, by which the Duke of Norfolk, (*Order!*) or the Duke of any body else, might be sent to Botany Bay for giving a pint of wine, and then inadvertently swearing that he had not been guilty of bribery.—(*A laugh.*)—Instead of such a penalty, he would propose to the Committee to substitute a heavy fine, and exclusion from the existing Parliament. He concluded with observing, that no man deserved to be a representative of the people, who would not defray the travelling expenses of those who came to support him.

Mr. Wilberforce said, the honourable baronet, in arguing to do away abuses, should not nullify the constitu-

tion; and though he did not see much good resulting from the present measure, yet when any thing immoral was pointed out, they ought to consider it. In any period, but more especially in the times in which we now live, we should take care how we suffer abuses of great magnitude to continue. The constitution of this country, taken either speculatively or practically, was allowed to be far superior to any other. Do not let us, however, imagine that abuses may be continued with safety. One of the most valuable parts of the constitution was the liberty of the press, and through that, every circumstance tending to abuses may be fully commented on. One gentleman had declared he would wish to separate those who were for a temperate reform from those who were more violent; but he feared that would scarcely be possible. The honourable baronet spoke of the insufficiency of oaths. No man more lamented than he did the multiplicity of oaths; but he could not say oaths were improper, it was only the abuse of them; the evil of the multiplication of oaths was certainly mischievous. When the honourable baronet mentioned the qualification oath he did not recollect there was no penalty attached to it; but all others were liable to that of perjury. A great number of oaths had, however, been rendered unnecessary by the consolidation of the customs. As for the present bill, he should be for adopting the oath, if attended with a penalty. With respect to the distinction between influence and bribery, as drawn by his honourable friend near him (Mr. W. Smith), he could scarcely distinguish where the one ends or the other begins. If we state to the people that what we call influence they call corruption, every man would dispense with his morality so as best to suit his interest; and if there was any pretence of immorality in that House, it would have an effect on the people of the most mischievous tendency. In the former part of his life he had been a friend to a moderate and temperate reform, and though in his latter days he had thought more coolly on the subject, and suffered it to lie dormant for a time, yet he could see no reason why he should now change his opinion on that subject.

He recommended it to the House to proceed, but to proceed cautiously and temperately. Changes had lately taken place which rendered some correction necessary. Statements had been made in the House which would have been considered shameful some time ago, but which,

since late transactions were tolerated, the same impression had been made on the country, and therefore some temperate and cautious course ought to be adopted. This he recommended as a good measure, and not as a libel on the constitution.

Mr. Windham declared, after all he had heard, he still retained his sentiments on this subject. It was sought to remedy corruption, but it ought to be considered what was called *corruption*: of corruption there were many degrees. What degree of it then did this bill seek to remedy? He would put a case: Suppose, previous to an election, a person came to the candidate, and said, "I have some influence, and I would wish to vote for the best, but I have got many mortgages on my estate, and think I should get some indemnity. Well—the minister agrees, and says he wishes very much to get his friend into Parliament, and he was sure his father's friend would compensate the electors, who had lost so much." Was this to be branded as corrupt? If so, he was sorry for it, because it would deprive him of much reverence for many men whom he had been in the habit of considering both as great and patriotic characters. But in what did the corruption consist? The law certainly would render what it chose illegal; but then this bill did not say, these practices were corrupt according to law; but there ought to be a law made to render them corrupt. He could not agree to this, unless the offence was radically and naturally corrupt, was *malum in se*. Now he would ask, how could the objects of this bill be considered so? Could the sale of offices of trust be considered so? He could not think it, and he need not quote on this subject the decisions of many wise assemblies: he need not quote the practice of the parliaments of France, which national prejudice would not prevent him from considering upright and honourable courts of justice, and as the origin of many wise and enlightened men: but he would refer to our own practice at home. Places of trust were sold here; yes, and in the very sanctuaries of the state—in the church, and in the courts of law; places even tending to a judicial character were sold, and still no bad effects were felt from it; no places could be better filled. He did not wish the practice could be discontinued, and he would ask those who thought differently, would they object to the sale of advowsons? If not, he then, without any great paradox,

might be allowed his opinion on the subject. But even suppose these practices were corrupt, who was to be thought the most corrupt party, the buyer or the seller? the minister or the elector? He did not think the minister was, for if he had corruption, his corruption was only derivative; it originated with the seller. But again, even suppose the minister was corrupt so far, was he to be degraded to the basest criminal? Was he to be compared to a peculator or thief? (*Hear, hear!*) If it was allowed to be said that those who made such exchanges were corrupt, then mere assertion would not stop there, but would go to establish the corrupt influence of all property. He for his part did not like to remove the influence of property. He could not possibly either understand the legal distinctions of this bill; he did not understand making that illegal in retail which was allowed to be pure in wholesale. It reminded him of a piece of wit which was current in his boyish days at a Norfolk election, against a member who had taken an active part in curtailing the inclosure of a common. It was asked, what would you do to him who would take a goose from a common? and this was then followed up by asking, what would you do to him who would take the common from the goose? (*a laugh.*) But even the expectations of the honourable mover of this bill were disappointed. He expected that it would operate as a charm, that it would renovate the constitution, and unite and conciliate all its opponents! These splendid hopes might be all nipt in the bud, and the bill not even outlive a second reading.

"Oh! just belov'd and lost—admir'd and mourn'd!"

The tendency of the alarms which had been created ought, however, to be considered. In times like the present, various were the denominations of those who sought for some revolution, and not less various were their motives. Many joined the cry from ignorance, many from folly, many from fanaticism. Some were incited by the vilest passions, and some from more pure but not less dangerous principles; numerous were the knaves, and numerous the dupes desirous of change. (*Hear, hear!*) All of these desired some change, but not all the same sort of change; their views were as various as their understandings; but all united in their incitement, self-interest. (*Hear!*) One party, representing the monied community, sought reform; another personated the landed interest; and a third,

possessing neither money nor land, but pluming themselves on the real or fancied superiority of their talents, condemned fortune for not seconding the views of nature, and placing them at the helm of affairs. (*A laugh.*) All these parties were at work together, combined with all the various passions set afloat in such a ferment! He remembered such another crisis about twenty-five years ago, when the reformers rose against the constitution, denouncing it as hostile to the rights of man. The cry did not then succeed in this country, but it echoed over the continent and in France, amid bloodshed and confusion, and excited a shock by which the political world has been ever since convulsed. Now that cry has been discontinued here, but that of corruption, and abuse, and taxes, were raised in its place insidiously enough: taxation was a most apt topic; no man could like it, however necessary his sober judgment might deem it, and the reformers were determined never to let it stand. They worked on all sides, just as a sick man, in the hope of rest, tosses here and there.

"Et summque mutat latus."

So they, with the desire of irritation, eternally shifted in their operations. They went about and about, just as a woodpecker winds about a tree, not indeed like the poor bird, to destroy the grubs and worms, but to seize upon some rotten part of the trunk, that they may destroy the tree altogether. (*Loud cries of hear!*) The cry of the obnoxious income tax succeeded that of sinecure places. The latter, indeed, was too ridiculous to last long, but it answered the end of the reformers in making an impression of which they availed themselves when its cause was discontinued. Jobs also furnished a fruitful topic; but it was impossible for any minister to prevent the people from using every advantage for their own interest, in their dealings with the public. The crime did not originate with the minister: it arose from the lower orders, from that hot-bed of vice, of whose corruption the election mentioned in that night's debate furnished a most appropriate example. Trace the progress of one of those election jobs. A candidate goes down to some borough. Mr. Such-a-one instantly attacks him; some attorney or brewer, perhaps, assures him he has great interest in the borough, and that he will be most happy to serve him, but that he has a son, a lieutenant, whom he would be happy to see

master of his ship. The candidate speaks to the minister, gets the son promoted, and gains the brewer's votes. With whom does the job originate here? But view the case differently; the candidate who has, perhaps, too much honesty, or too little interest, does not accomplish the desired promotion. What is the consequence? Oh, the brewer's patriotism is up—his honesty is roused—he informs the candidate he has taken the independent side, and runs to the hustings shouting and bawling full-mouthed against corruption! There is the history and conversion of a popular elector! (*A laugh.*) What! is the Parliament to be reformed on account of such a cry as this, when the very criers themselves are the authors of the corruption? Surely the House would not allow a measure upon such grounds as this. Even if they did, it would never reconcile the people. It operated even against the hope of the mover. An honourable baronet had, however, thought proper to say, that the House of Commons was not a constituent part of a pure Parliament. It was, indeed a House of Commons, and such a House of Commons as it always had been, but it was not a House of Commons suited to that honourable baronet's theory. The honourable baronet was perpetually referring to the purity of past times, and denying that any good could ever be expected unless some change took place. What change did he want? But much change had taken place, and a change for the better too, even since the so much vaunted purity of our ancestors. He would refer the honourable baronet to the relaxation in the prerogative as an instance. As for the popular schemes which were alluded to, God defend him from ever sitting in a Parliament chosen from amid all the vices and follies of what the honourable baronet seemed to think a popular election! He had no hesitation in saying, that of all the men who sat in Parliament, those did the least service to the state who eternally clamoured about popular burthens. (*Hear!*) In fact, if the government existed in the state of a popular election, the monarchy would not hold a twelvemonth. Far was it from his design to follow the course of the honourable baronet; he had taken too extensive a range; and, indeed, his entire object, and the object of his friends seemed to be to raise a character of honesty for themselves by calling every person else rogues. What did the worthy baronet mean by such a line of conduct? What right had he to, such

t sacrifices had he made? It might be one, but none he certainly had made after all his outcry, he had gained as independence as others had acquired by their ..y. The fact was, those whom he was in the habit branding with opprobrium, had relinquished much more than ever he had done himself. He here instanced Mr. Pitt's magnanimity in leaving office, in 1801, which had become almost a second nature to him, because he could not conscientiously abandon a measure to which he had pledged himself; yet this was the man which the honourable baronet was in the habit of denominating as the link of corruption. All the honourable baronet seemed to want was, to depreciate every other person. Abuse was the only stock of a patriot—he was like an attorney—all he had to do was to cry out "I am the only honest man."—(*A laugh.*) Indeed, it was a trade which any wretch might set up, no matter how poor; abuse was its only requisite capital, no matter how base, how low, how degraded. Indeed, than such a patriot's occupation there was no profession more debased, except perhaps that of a crimp serjeant at a fair. Having thus designated them, he would conclude with a hope that the House would not allow those modern reformers to enjoy even the idea of a temporary triumph.

Mr. Bathurst was for the bill's going into a Committee. He spoke at some length upon the subject.

Lord Porchester, although he could not comprehend the wholesale and retail provisions of the bill, still was for its going into a Committee as he thought it might be there modified so as to become efficacious. He spoke at some length against pretended reformers, and panegyrised the constitution, which he wished to remain as it was. He reprobated the idea that the cry of revolution was not to be raised when such reformers excited falsely every where the alarm of corruption. Our constitution was one of the purest existing, and preserved us unhurt when all the continental states were crumbling and dejointed by the iron arm of irresistless tyrant. He censured severely the conduct of Sir Francis Burdett, in representing the late decision of the House of Commons in the case of the Duke of York as he had done, and contended that the House had not virtually acquitted the Duke.

Sir F. Burdett explained.

Mr. Tierney said, if the design of the noble lord who had just sat down was to prove himself an honest man, he might just as well have remained silent, for certain persons would never think either him or any one else so, who did not acquiesce in all the chimeras of the honourable baronet. (*Hear, hear, hear!*) It was the design of him and his friends to excite such an opinion among the people; and he believed, in his soul, it was also their wish not to have many supporters in that House, lest their designs should fail, and the public would begin to think too favourably of the House. It was their desire to raise a popular ferment by talking of abuses which often had no existence, and by vaunting of remedies which they never meant to put in execution! Far was it from their thoughts to come manfully and constitutionally down to that House and state their complaints, if any such they really had. No, it suited them better to make harangues at taverns, to mount the tables at the Crown and Anchor, to tell the people to meet as people, and look not for redress to their representatives, who were no longer fit to be called an House of Commons. It was their plan to raise a cry by which the infatuated people might be hurried to their ruin, by hinting at corruptions which never had existence, and rousing expectations which never could be gratified. Now that the honourable baronet, whom he did not mean to designate as the leader of the party (a distinction in his mind due to others who did not choose to appear so openly as himself), had favoured that corrupt house with his pure presence, he wished to put a few questions to him as to one of his reported harangues at the Crown and Anchor which pointed pretty plainly at his (Mr. Tierney's) character. Broad and indelicate were the freedoms which had been used with his name and political life in the course of the speech to which he alluded; and in one part of it the worthy baronet was actually represented as having the audacity to say that on his (Mr. Tierney's) retiring from office, his pockets were filled with the public money. Was this characteristic? He now demanded of the worthy baronet, would he dare to repeat his assertion? If not, he would recommend it to him not again to vilify the name and character of an honest man; or if he did not so vilify it, to take care that a correct report of his real sentiments should go forth to the public. How did he know what

effect such insinuation might have in the course of the summer? How could he hope not to be attacked by some seditious mob, roused against him by such unfounded calumnies? (*Hear!*) Such an assertion was directly false, and he called on the worthy baronet either to deny or own it. He did not know how the worthy baronet could bring himself to make such an assertion; for his amiable manners in private life, and his conciliatory conduct, were proverbial. No man could be more mild than he was until he mounted the rostrum at the Crown and Anchor—then all was changed—all was abuse, and alas for to related to him, calumny. In this instance, not only his design, but his ignorance was exposed; and to prove it, he would offer the worthy baronet, if he wished to turn a penny honestly, (*loud cheers*) some thousand pounds, provided he would take on him the profit and loss of his political speculations. But what were the worthy baronet's qualifications for this general censorship? What had he ever done? What feats had he performed? Why, indeed, he had haranged the mob and mounted the rabble most eloquently at the public taverns. (*Hear, hear!*) He had never warded off any real danger, but had fluttered about during his public life, a political sea-gull, screaming, and screeching, and sputtering about foul weather which never arrived. It was true the worthy baronet had never been troubled with office; the reasons for that might be various; perhaps the cause might have been own disinclination; perhaps his immense fortune might have exempted him from its cares; or perhaps he had never been importuned upon the subject. (*A laugh.*) Certainly he (Mr. Tierney) had been in office, for he had not such a fortune as could support him independently out of it, and he would, perhaps, be compelled to live upon bread and onions, when the worthy baronet was living sumptuously. (*A laugh.*) As to his tavern harangues, they might go on for him as long as the worthy baronet chose; and he was welcome to attack whatever political changes or transmutations he chose in his conduct—let him spout away—if the people believed it, well and good—if not, why then the worthy baronet would enjoy the applause of his speech, and he (Mr. Tierney) would have the satisfaction to think no one believed a syllable of it. (*Hear, hear!*) Let him mount the table, and cry, "They are all rogues and rascals, I am the man for you,

the hon. and learned gentleman. We must lay the axe to the root. We must have a radical reform—and then there would be a general health, and the worthy baronet might retire, covered with glory, and highly delighted at his popularity! (*Hear, hear!*) One honourable gentleman of the worthy baronet's friends (Mr. Wardle) had made a great discovery, as appeared—he was to diminish the income tax! (*A laugh.*) Now, he liked this—indeed he never was pleased in his life as when he first heard of the discovery. It was the pleasantest way of laying the axe to the root he had ever imagined. (*Hear, hear!*) He was sure it would gratify the Chancellor of the Exchequer wonderfully to be able to strike off eleven millions and a half of taxes. Now he had at last found out the reason why the honourable gentleman and the Chancellor of the Exchequer were perpetually complimenting each other. No doubt they were putting together all this time. Indeed, if this plan was realized, it would be exceedingly diverting; but if it was only a fallacious assertion, held out for the wicked purpose of exciting discontent, it was one of the vilest and most execrable insinuations. He now called upon this honourable gentleman to produce his plan, or stand convicted in the face of the world. As to the worthy baronet, he also called upon him solemnly to state the truth or falsity of the expressions with which he charged him. He might be superior to him in point of talent or ability, but superior he could not be in political integrity; and he boldly challenged him to a comparison of their lives, that their deeds might speak their deserts, and vile calumniators become silent.

Sir F. Burdett, in a very low tone of voice, said, that he had not used the particular expression to which Mr. Flood's had alluded; that he must be excused from ascertaining the correctness of the reporter, and that for any expression which he might use, he should be personally responsible.

Mr. Wardle denied having ever said that he had a plan to liquidate the income tax; he had said that he had plans of economy by which many millions of public money might be saved; and these he was ready and willing to produce.

Mr. Maddocks explained.

Colonel Mildmay supported the bill going to a committee, as did Sir R. Milbank.

Mr. W. Adam was disposed to allow the bill to go into the Committee, because the many objections that applied to it in its present shape might be removed in the Committee. The oath, he was of opinion, ought to be got rid of, and a provision made in the bill for referring cases of this description to a Committee, all under the Grenville act; and this, he supposed, might be done either by extending the time for presenting petitions beyond the time at present allowed for presenting petitions respecting controverted elections, which was fifteen days after the first day of the session of Parliament, or by a separate act. As this subject had been now for the first time brought under the consideration of the House, it was his opinion that this measure ought to be entertained, and, if possible, framed so as to meet the case it professed to remedy.

Mr. Lyttleton then observed, that considering the length to which the discussion had proceeded, he was convinced of the presumption it would be in him to offer himself at this late hour to the House. As gentlemen had not signified a desire to hear what he had to say, he should not think of occupying the attention of the House. But from the tone which the debate had assumed, he should look upon himself a traitor to his opinion, and a coward with respect to his duty, if he omitted to state the impressions upon his mind. He was certainly not prepared to go the length of the honourable baronet (Sir F. Burdett), but at the same time he could not agree with his noble friend (Lord Milton) that the decision upon the case of the Duke of York had not shewn that there was some deficiency in the composition of that House. He could not admit that the manner in which that illustrious person had resigned his office had not prevented that House from passing in some shape or other a vote of censure upon his conduct, which must have led to his removal from office. It was his opinion that there had been in that House a bias towards that personage, which justified his honourable friend in imputing to it a degree of real corruption. It was not within the scope of his observations to say any thing upon the subject of parliamentary reform, because no specific scheme for that purpose was then before the House. What he had to say, therefore, should be confined to what appeared to him a practice that was a disgrace to Parliament, the payment of pecuniary compensation for seats in that House,

That he considered as the basest kind of corruption. He had one word to add on the conduct of parties in that House. Though he could not say that great offences were not imputable to the gentlemen opposite, he yet thought that these offences were the effects of a system, in which other parties had also embarked; yet he was persuaded that there was much public virtue, much good design, and much honourable intention in many gentlemen on both sides of the House. He should not therefore agree to any general proscription of all public men of all parties. As he would not object to religion because there were sects in it, so should he not proscribe all public men, because they may be divided into parties. There was no better mode of promoting the public good, than by the union and concert of virtuous and sensible men. He had thought it necessary to put the House thus into possession of the limitation of his hopes from the measure, and the limitation of his opinions in voting for its being suffered to go into a Committee.

Mr. Barham rose, merely to put a question to an honourable gentleman (Mr. Wardle). That honourable gentleman had asserted without doors, and had repeated the assertion in the House that night, that a sum of eleven millions had been added to the taxes, in consequence of the corruptions and abuses of that House. His object in rising, was to ask whether the honourable gentleman had given notice of any motion upon the subject; and, if he had not, to press upon him the necessity of giving such a notice, which might lead to a decision upon that point, before the close of the present session. It was absolutely necessary that that question should be settled between the honourable gentleman and Parliament, before they should separate. If the assertions were true, Parliament ought unquestionably to be reformed, and the axe applied to the root of the corruption. But if it was not true, he must say that the assertion of the honourable member was the most dangerous (though he could not suppose it to have been so meant) that had ever been made to the people of any country; and if it should be found the honourable gentleman had no foundation for his assertion, he would be bound to go back to the place where he had made it, and tell the persons to whom it had been addressed that he made the statement in error, and that it had no foundation in fact.

Mr. Wardle said, that before the end of the session he should state the grounds upon which he had formed the opinion contained in the assertion alluded to by the honourable gentleman. In order to prove that assertion, it would be necessary for him to move for voluminous papers, which he could not expect to be produced before the close of the present session. The grounds of his opinion, however, he could and would state to the House before the rising of Parliament.

Mr. Curwen then rose and said, that after the very able discussion which the subject had undergone, it would not be necessary for him to detain the House at any length. He trusted, however, that he should be indulged in a few words upon what had fallen from several gentlemen, who had expressed themselves adverse to the measure. To those who opposed altogether the motion for the Speaker's leaving the chair, and were consequently hostile to every species of reform, he had but little to say; and one of these had given an opinion that night upon the subject, which he did not envy him for entertaining. They had now in that House, for the first time within two hundred and forty years, an advocate of a practice which had in all that time been stigmatized as corrupt and criminal, as well as destructive of the constitution of the country, by overturning the independence of Parliament. Certain he was, however, that though such a practice might find abetters in that House, it would not easily be reconciled to the feeling and common sense of the people. When gentlemen talked of clamours without doors, he would wish to ask what class of society they were to look for sanction or support, if it should appear that they were ready to impose barriers upon the people, which they were not prepared to submit to themselves. He gave his thanks to the honourable baronet (Sir F. Burdett), as being the best advocate he could have for his measure. That honourable baronet had said, that that House was not the representative of the people of England; but the course the honourable baronet had pursued, at all events, shewed that the House contained at least some representatives of the people; and the honourable baronet was one of the last persons from whom he should have looked for opposition to a measure having for its object to exclude all of any other description from Parliament. The honourable baronet had charged him with having brought in

a measure which was a sham, (*no, no!*) certainly with having produced a measure which professed to do one thing when it would do nothing. Now, if the honourable baronet had been acquainted with him, he would have known, that he was incapable of such a proceeding; that it was as opposite to his habits as to his nature to profess to do that which it was not in his intention to carry into effect. (*Hear, hear!*) He was sorry, that he could not have the support of the honourable baronet; but his opposition was direct and manly, and he had nothing to complain of in it. He had a right, however, to complain of attacks made upon him in a place where he was not present to defend himself; and from what had been said there by the honourable baronet, he was convinced he could have defended himself. An honourable member on the opposite side had, on a former night, talked of the security afforded by the Committees of that House to the freedom of election, and boasted of the purity of Parliament. But was it not now known that this protection was only nominal, because the laws which were supposed to afford it were notoriously evaded? The laws prohibited bribery before the election, and no money was now given till after it. There was even a cant language heard as at the Old Bailey. It was well known what was meant by the question, "Does he give a breakfast and more?" Such a question amounted in effect to a demand whether the candidate would give twenty or thirty guineas? His bill had for its object to put a stop to this disgraceful pecuniary corruption. And here he could not help expressing his surprize at the opposition of the honourable baronet, who, from his acquaintance with all history, must know, that the downfal of Rome was the consequence of the gross venality of all classes of the people. If ever the people should become corrupt in the same degree in this country, there would be an end of all public virtue and honour. It was impossible for a free government to exist without the respect of a great portion of the people, and it was impossible that it should possess that respect, if it omitted to correct gross and detected abuses. He believed the people of this country were capable of forming a sound judgment, and he was sure they would judge upon this subject. He had never expected that this measure would satisfy all descriptions of persons, but he did hope that it would meet the ap-

probation of the sound, considerate, and thinking part of the community; because this measure would be looked upon as a first step which Parliament would follow up by the adoption of others. When it was urged that government would acquire an ascendancy by it, he would ask whether Parliament would gain any ascendancy in point of character; for it was not by members, but by character and credit with the country, that an opposition in that House was powerful. If this measure should meet his object, it would produce an accession of character to Parliament, which would balance any increase of the power of government. As to the oath, he was sorry to think it necessary, but he would intreat those who objected to the bill on that ground, to turn their attention to the means of diminishing the oaths required of the lower classes, in cases where the persons tendering them even must know that the parties cannot swear truly. If they had arrived at a time when an oath was to be supposed not to be binding on members of that House, they were near their end. He was sorry that the topic relative to the case of the Duke of York had been introduced into this discussion. The vote he had given upon that occasion he would have given if he had been upon his oath, and he would add, it had been given fairly, honestly, and faithfully. As to the measure under consideration, he conjured the right honourable gentleman (the Chancellor of the Exchequer), not, by objecting to it, to deprive those who would be the advocates of Parliament out of doors, of their ground of defence. If this measure, or something like it, should not pass, he could not be the advocate of Parliament. He would not raise the cry against it, but he could not justify its conduct as he would have done up to the present session. He was certain it must have been a most painful situation for the Speaker to be obliged to listen to representations which had never before been countenanced in that House. It could not but have been painful to a person who filled the chair with as much ability and attention to the honour and character of Parliament, as any of his predecessors, to witness such statements as those of them had ever listened to; and he trusted the period was not distant when the Speaker would put a stop to such statements and representations, as peremptorily as any of his predecessors. For his own part, he hoped that he should

transmit unimpaired to his posterity those blessings, which he had derived from his ancestors, and was convinced that he could not consult that object more effectually than by promoting the dignity, honour, and character of Parliament.

The Chancellor of the Exchequer re-stated the objections which he urged to the measure on a former night, but said that it was his opinion that the bill should go into the Committee in order to obviate these objections, if possible.

The question was then put, that the Speaker do leave the chair, and agreed to without a division. After which the House resolved into the Committee *pro forma*. Progress was then reported, and the Committee ordered to sit again on Tuesday next.

The other orders of the day were then disposed of.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 30.

The booksellers' and publishers' indemnity bills were read a second time. On the reading of the latter, the Duke of Norfolk rose, and made some observations in rather a low tone of voice. His Grace intimated an intention of proposing something early in the next sessions, towards taking off those restrictions on the press, for which the pretext used on their passing some time ago no longer applied. The third reading was deferred, after some explanation from the Lord Chancellor, till to-morrow.

WAR OFFICE.

The Earl of Suffolk complained of sundry irregularities in the War-office, which he intended, on a future day, to make the subject of a motion. His lordship adverted again to the case of M. de Charmilly, whom he considered a person totally unfit to be employed by, or to receive any emolument from, the government of this country. He concluded by saying, that he should, on Thursday next, submit a motion to their lordships, for an inquiry to be made upon that subject.

MESSAGE FROM HIS MAJESTY.

The Earl of Liverpool brought down a message from

his Majesty, relative to the present state of the inferior clergy who had livings under 150*l.* per annum, and the inadequacy of the provision for them under Queen Anne's bounty. The message was similar to that which was delivered to the House of Commons last week. On his lordship's motion, his majesty's message was ordered to be taken into consideration on Thursday next, and the lords were ordered to be summoned for that day.

The bill for preventing the sale and purchase of offices was ordered to be committed on Thursday next, with the understanding, that if the business of that day should prevent its coming on, it should go into a committee on Friday next.

The third reading of the Scotch militia bill was, on the suggestion of the Earl of Rosslyn, deferred till to-morrow; as was also the decision of the House on Paulet's divorce bill.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 30.

Mr. Bathurst presented a petition from the booksellers and publishers of London, praying an alteration of that clause in the act for preventing seditious publications, which imposes certain penalties for omitting to annex the names of the printer and publisher to all publications.—Ordered to lie on the table.

INDIA MILITARY AFFAIRS.

Sir Henry Montgomery rose to state a rumour which had been confidently stated to him, relative to a material alteration said to have taken place in the native troops of the British service in India, namely, that all the grenadier companies of the native troops were formed into battalions, and placed under the command of British officers. To any man, as long conversant with military service in India as he was, the extreme danger of such an arrangement must immediately appear obvious. He stated the circumstance in order to be informed of the truth from some competent authority.

Mr. Dundas said, that though he had seen no authentic document stating the fact mentioned by the honourable baronet, yet it had been communicated to him

from such a variety of quarters worthy of credit, that he had no doubt the facts were as stated.

INSOLVENCY BILL.

Sir Thomas Turton rose to move the order of the day for the second reading of the insolvency bill, and he felt it necessary, at the same time, to submit to the House the case of some persons confined for debt, the amount of the demand against whom had excluded them from the benefit of every insolvent bill which had passed during the long period of their imprisonment, and left them no prospect but that of a severity which the law of this country never could have contemplated, namely, incarceration for life; and such must be, in effect, their punishment for the crime of debt and insolvency, unless the legislature, in its mercy and benevolence, should interfere for their relief, and allow their names to be specially inserted in the bill. One of those unfortunate persons had actually suffered already 14 years imprisonment, and another 15 years. There was nothing in their crime that must not have been fully expiated by so long and severe a confinement and exclusion from society. No possible or good purpose could be answered to their creditors by the continuance of their miseries, as they were totally insolvent, and must ever continue so while in prison. Incarceration for life never could have been contemplated by legal justice against any man for not paying a debt because utterly incapable of so doing. He should therefore take the liberty, in the Committee upon the bill, to propose a clause for the liberation of all insolvent debtors, after five years imprisonment, for any sum not exceeding 5000*l.* and all debtors confined for any sum who shall have suffered in succession ten years imprisonment. He had some thoughts of extending the operation of these clauses to Ireland, but found, on inquiry, they were unnecessary, as few or none would require them. He also hinted to his majesty's Chancellor of the Exchequer the case of debtors to the crown, who were expressly precluded from the benefit of every insolvent bill. He expatiated on the severity of inflicting imprisonment for life upon men for fines or penalties on evasions or frauds upon the revenue, a species of frauds certainly not less criminal than any other, although much more venial in popular estimation, and to which the temptations were many and

strong, and he trusted the Chancellor of the Exchequer would have no strong objections to a clause for their relief.

The Chancellor of the Exchequer assured the honourable baronet that no six months ever elapsed without a revision of the cases of such men, and relief to such as appeared to deserve it. He did not therefore conceive any enactment on the occasion necessary.

The bill was read the second time and ordered to be committed.

A messenger from the lords announced their lordships' concurrence in the African trade bill, the smuggling prevention bill, the printers' indemnity bill, the bastardy bill, and several private bills.

FRAUDS IN THE IRISH REVENUE.

Sir John Newport rose to call the attention of the House to an appointment which had been made in defiance of the express words of the act of the 46th year of the king, and of every principle upon which promotions and rewards should be conferred. By the act to which he had alluded, any officer of the customs or excise, who should, after the passing of that act, take or accept of any fee, gratuity, or presents, from the distillers whom they visited in the course of their duty, should be thereby incapacitated from holding any office, civil or military. Notwithstanding the express words of this act, a Mr. Beauchamp Hill, who had confessed before commissioners of inquiry that he had regularly received 20*l.* per week from two distillers who were in his district, was not only not dismissed, but was promoted from the situation of surveyor to be an inspector-general, which was a promotion in that very department in which the frauds had been committed. It was in September 1806, that he had confessed himself guilty of the fraud, and on the 8th of March 1808 he received his promotion. He thought it would be useless to endeavour to guess at what sort of defence could be set up, and concluded by moving a resolution, stating the words of the act of the 46th of his majesty, the confession of Mr. Hill that he had acted contrary to it, and his subsequent promotion.

Mr. Foster said, that certainly, owing to the inadequacy of their salaries, an universal system of corruption had formerly existed among the revenue officers of Ireland,

and that out of 32 excise officers examined by the commissioners of inquiry, 30 of them had confessed that they had received similar presents. They justified it from its being a constant practice, and known to be so by the board who employed them, and who yet took no measures to stop it. The practice of receiving these gratuities was so universal, and so long in a manner connived at, that it would have been unfair to select one or two individuals for punishment, as almost every other officer in the revenue equally deserved to be dismissed. Mr. Hill, however, was very ready to give every information in his power to the commissioners of inquiry, and was in every other respect a very good officer. He was therefore promoted for his merit, although he had in common with all other excisemen done a thing illegal and improper. He therefore moved the previous question.

Mr. Hutchinson thought nothing could bring the House into greater contempt than passing over so lightly such a flagrant case as had been now stated. Who could believe that it was utterly impossible to find a single honest man to fill any office in the Irish revenue? If the revenue officers were so corrupt from bottom to top, they should be all removed, and honest men sought for. If men in high situations had known of their frauds, and connived at them, they should also be dismissed. He had heard with infinite pleasure, that his majesty had been advised to annul a commission granted to a noble lord (Lord Burghersh). He hoped he would also be advised to annul this appointment.

Mr. Croker said, that it was sufficient proof of the corruption of some of the revenue officers that they were alive; for if they had trusted to their salaries, they must have starved. The salaries were settled in the reign of Charles II. and were but 40*l.* a year to the gunger, and 65*l.* a year to the surveyor. It therefore became necessary for them to get by some other means those necessaries of meat, drink, and clothing, for themselves and their families, which the pure abstract patriots of the present day might not think they had any right to think of. It was Lord Annesley who had recommended this particular promotion, on no other ground but that Mr. Hill was an active and good officer.

Mr. Peter Moore said, that without pretending to those abstract ideas of perfection, he would still say, that al-

though he had before heard a system of bribery and corruption avowed, he never did suppose that such a scene of bribery and corruption as this could ever have been justified or excused. It appeared from the report of the commissioners of inquiry, that the frauds committed on the Irish revenue by the licensed distillers amounted in a year to 856,000*l.* and that the principal cause of these enormous frauds was, that those officers were bribed to connive at them. These distillers now deprecated all manner of inquiry into those transactions.

Mr. Dundas Saunders defended the promotion, on the ground of its being necessary to select for promotion persons in the service of the revenue; and that it would have been absolutely impossible to have dismissed them all.

Sir Samuel Romilly said, that he had never in his life heard such doctrines gravely stated, as might be deduced from what had fallen from an hon. gentleman (Mr. Croker). If a man's salary was not sufficient, was that an excuse for his taking bribes, and conniving at all manner of frauds against the government which employed him? As to the ridicule which the honourable gentleman appeared to throw out against those pure and abstract patriots, who would not consider the necessity of providing meat, drink, or clothing for themselves and families a sufficient excuse, he would say that it never was allowed as an excuse for dishonest actions. If it were, any person indicted at the Old Bailey for a robbery would say it was only for the purpose of getting meat, drink, and clothing for himself and family. Such an excuse would not be admitted at that place. If the salaries of their places were not sufficient, did any body oblige these men to become excise-men? He must therefore support the original motion, as he conceived the promotion of such a person highly improper.

The Chancellor of the Exchequer did not think his honourable friend (Mr. Croker) had maintained the general proposition, that the right honourable gentleman imputed to him. It was to be considered, that in this particular case, when all the excise-officers in Ireland had been in the habit of taking certain regular presents from the distillers, it would have been impossible to dismiss them all at once, as although that might be good in the way of example, yet it would be a sacrifice of the revenues of Ireland for two years. If it were not contended that all

the revenue officers of Ireland should be dismissed, there was no reason why the best of them should not be promoted. This man, although he had taken money as others did, yet in other respects he did his duty. The abuse, however, of this great corruption had now been removed by the increase of the officers' salaries, and the act might in future be strictly enforced. The act was of a prospective and not of a retrospective nature; and as to the case of Mr. Hill, there had been no legal conviction against him, nor any thing but his own confession before the commissioners, which was not asked for the view of turning him out of his place. It did not appear to him that it was desired to select this man or any other for punishment, and therefore, if he were allowed to stay in the revenue, he saw no reason why he should not be promoted if he was diligent and useful.

Mr. Horner spoke shortly in favour of the motion. He expressed his surprise at what had fallen from the Chancellor of the Exchequer, that a man should be continued in office who had been found guilty of corruption. He for his own part thought that a more flagrant abuse of power was never heard of; a more unblushing breach of purity, he was certain, never till then appeared before that House, and as such he thought it his duty to give it his decided reprobation.

Sir John Newport replied, generally, to the several arguments urged against his motion. He thought the defence set up so extremely weak and defective, that it was only necessary to make a few observations. He insisted that the charge of Mr. Beauchamp Hill had been made out as strongly as the case would permit. The malt books of Ross Crea walk had not been returned. It was said some of them had been carried away; but what remained, proved that Mr. B. Hill was the surveyor then, that 15,000 gallons of pot ale had been found there suppressed; so that if you could not positively say a charge was found, it was very reasonable to suppose it. He declared he did not previously know Mr. B. Hill, nor any of his connexions, nor any of those persons in whose room he had been promoted, so that he could not be actuated by the slightest bias or motive of favour or partiality. The first he knew of Mr. Hill was seeing his name in the report of the commissioners of inquiry. He censured the

ground of argument that men known to be corrupt should be employed, on account of their ability to fill a particular station. On the contrary, he thought that in a public officer honesty and character could not be balanced by, nor ought they to be put in competition with any ability, however great it might be. He should therefore take the sense of the House on his motion.

Mr. Barham said, there was one argument which ought to make the House cautious in what way they dealt with this motion. It had been publicly and generally asserted, that many persons sat in that House by improper means. The public had taken the alarm; and it had been found in support of that alarm, and those assertions, that a cabinet minister had actually been concerned in bartering for a seat in that House, and was defended for such an act. It was by the motion that moment under consideration, and the arguments urged in support of it, further asserted that corruptions prevailed in a most extensive degree over the whole revenue of Ireland. If something were not done to rectify these corruptions and abuses—if no step were taken towards removing them, he dreaded to think what the public opinion of that House must very soon be.

A division then took place:—

In favour of the motion 50——Against it 77.

TITHES IN IRELAND.

Mr. Parnell brought forward a motion pursuant to notice, "That an humble address be presented to his majesty, that he would order a special commission to be appointed, to inquire into the state and ratage of tithes in Ireland, and to such other matters relating to the levying and collecting of tithes as they might think proper to direct their attention to, and to report the same, with their opinion, to the House."

Mr. R. Dundas, the chief secretary for Ireland, objected to the motion, on the ground that such a commission might raise hopes and expectations in the people of Ireland, which that House might never be able to realise. It might create divisions and dissensions which the House could not remedy, and though an inquiry into the subject might be necesary and proper, he did not think this was a proper method of entering upon the subject.

Mr. F. Fitzgerald, (knight of Kerry) and Mr. Ponsonby, supported the motion at considerable length.

Mr. Grattan expressed himself glad to find, that though Mr. Dundas objected to the motion, he did not do the same to inquiry. If therefore any inquiry should be likely to take place next session, he thought it would be more effectually done by a committee, and was of opinion that the commissioners moved for would be more likely to embarrass the proceedings of any committee of that House than to be of the least service.

The Chancellor of the Exchequer opposed the motion on the same grounds as his right hon. friend the secretary of Ireland, and of the difficulty of substituting any other species of property in lieu of tithes.

Sir John Newport spoke in favour of the motion.

Lord Castlereagh opposed it.

Mr. C. Hutchinson defended the motion, and commented on the little regard which the noble lord paid to the pledges he had made at the union to the people of Ireland.

Mr. Parnell replied, and the House divided on the motion which was negatived by—147 against 76.

MEDICAL BOARD.

Mr. Wardle rose to make his promised motion relative to appointments in the medical board. He stated the mortality in the East Indies to be such, that out of 30,000 men who were sent there, 13,000 died, and at least one-third of those were lost on account of the incapacity of the medical men who were allotted to superintend them. He also stated an overcharge of 100 per cent. taking place upon medicines, which amounted to 15,000*l.* on an average. He concluded by moving,

"That an humble address be presented to his majesty, praying, that there should be laid before the house a return of all the medical persons employed in the army, all the inspectors of hospitals, deputy inspectors, mates, &c."

The Secretary at War did not oppose the motion, which was carried, after a few words from Mr. Rose, Mr. Percival, and Mr. Whitbread.

AMERICA.

Mr. Marryatt said, as he had heard with great satisfaction that ministers did not intend making any oppo-

sition to his motion, he should not trouble the House with any observation upon it—he moved,

"That an humble address be presented to his majesty, praying, that there be laid before the House copies of all notes between his majesty's minister and the government of the United States, between the years 1807 and 1808, as to the repeal of the orders in council; and also copies of the instructions from the secretary of state to his majesty's minister in America, authorising him to enter into any negotiation."

Mr. Canning said he was very desirous to comply with the motion which had been just made. With respect to the production of the notes, he had no objection whatever. As to the instructions, in any other case he would feel delicate on the subject, because the publication of such documents was not very usual. As, however, with respect to the particular instructions now required, his majesty's minister in America had powers to communicate them *in extenso* to the American government if he thought proper; and as they were by this time, perhaps, public in the United States, he felt his objection in some degree removed. Having said so much, he did not think it necessary to dwell on the substance of those papers at present, but should reserve himself to another opportunity. He could not help saying, however, that his majesty's minister in the United States had not only not acted according to his instructions, but had acted in direct contradiction to them. He gave every concession without insisting on any of the conditions of which such concessions were to be the consequence.

Mr. Ponsonby wished to know whether the minister in America had sent any justification of his proceedings home, and whether the right honourable gentleman would have any objection to lay it before the House?

Mr. Canning thought it better to defer any considera- of the subject till the production of the papers now moved for.

Lord H. Petty wished particularly for such justification, if any such had been sent; as there were possible cases, in which a minister might be meritorious in acting against his literal instructions.

Mr. Canning had no disposition to refuse the request. He thought still, however, that the papers now moved for ought to be first produced.

Lord Milton wished to know what the commercial situation of the two countries was.

Mr. Canning replied, that it was one of considerable embarrassment, owing to the unauthorized arrangement which had been made.

Mr. Whitbread, although he was surprized that any minister should act so much against his instructions, still was of opinion that the production of the present papers moved for ought to be first waited for.

After a few words from Mr. A. Baring, the motion was agreed to.

Mr. Wharton brought up the report of the committee of supply respecting the vote of credit; the further consideration of which was put off to the next day, on the suggestion of Mr. Ponsonby, who thought the time too late to state the opinion he entertained upon subject. The Chancellor of the Exchequer readily acceded to the wish of the right honourable gentleman, with an understanding, at the same time, that if the business should not come on till a similar hour, it should nevertheless be proceeded with.

Mr. Martin intimated his intention, in order to save the time of the House, to confine himself to moving that the House go into a Committee on his resolutions, without any introductory observations.

The consolidated customs bill was read a third time, and, after a few observations from Mr. Baring and Mr. Rose, was passed and ordered to the Lords.

Mr. Wharton brought up the report of the committee of ways and means, for the issue of three millions of exchequer bills, to cover the vote of credit, which was ordered to be taken into further consideration the next day.

The other orders were put off to the next day.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 31.

LORD ERSKINE'S BILL.

The House went into a committee on the bill introduced by Lord Erskine, for preventing cruelty to animals, when his lordship rose, and expressed the deep satisfaction he

felt at their lordships' recognition of the principle of the bill he had had the honour of submitting, by their agreeing to go into a Committee upon it. He thought it unnecessary in the Committee to make use of any further general arguments in its support, though, if it were necessary, he would, from the variety of information he had received from the most respectable and the best informed quarters, give their lordships fresh reasons, and abundance of particular instances, which shewed (beyond contradiction, as he thought) the propriety, necessity, and justice of passing the bill. Was particular information wanted? He had letters upon letters stating facts concerning such cruelties. Was evidence desired? He could bring the most unexceptionable testimony to their lordships' bar, to prove the existence of such practices as were a disgrace to humanity, to a civilized nation, and to every moral and religious profession. He had with him letters, stating the readiness of the parties to appear, from the most respectable clergymen, as well as others, not indeed saying that such cruel practices were universal, but that they were too general, and specifying many particular instances. His lordship then adverted to the inhuman and wicked practice of hamstringing and hamstringing cattle, of cutting the faces of sheep intended for future slaughter for the use of man, and of still more barbarous practices, such as some he could substantiate: the cutting and tearing out the tongue of so noble an animal as the horse. He stated an old act of Henry the Eighth against this last crime, which inflicted a fine for that offence of 10*l.* to shew the sense our ancestors had of such inhumanity. Hitherto, the matter had been perhaps too much considered only as it related to animals as the private property of individuals; but he wished this bill to take a higher ground, so that the legislature should declare its opinion upon the morality of the principle, and on the duties that man owed not only to man, but to the lower world—duties so much connected with the general state of the moral feelings. He stated a variety of circumstances in favour of the bill, and alluded to many enormous cruelties practised on animals. He meant, however, to propose some amendments to ensure the most favourable reception of the bill from those who might entertain some objections as to its practicability. He had left to the Commons the opportunity

which he did not doubt would be taken, of giving the alternative mode of punishment to the magistrate by a pecuniary fine, or a limited confinement. He intended to propose, that the magistrate should be armed with the power of summary decision, as it would be exceedingly inconvenient to oblige all prosecutions to go to quarter sessions. He begged, however that it might be remarked that there was no boon, no reward whatever to be held out to, or received by any informer. He also proposed an amendment by which he wished to introduce the words "to abuse," as applicable to the maltreatment of animals. Here he referred to old statutes, and seemed to think that this word, in addition to others in use, would best convey the meaning of the legislature. His lordship then adverted to some other amendments which he intended to submit, and contended against the supposed difficulty on the part of the magistrates, in deciding upon the guilt and punishment of such offences. It was the intention, coupled with the overt act, which constituted the criminality in a variety of other cases, and he saw no difficulty that was insuperable in the application of similar principles in this instance. He had limited himself in the first instance, to what he had termed "reclaimed animals:" he now wished to amend that expression by using the word "tamed" instead of reclaimed. He did not therefore, endeavour by legislative measures to interfere with wild animals, and kept out of the question field sports. He was so convinced of the great importance of an unanimous vote of their lordships on the subject, instead of carrying the question by a mere majority, that he was most desirous of hearing and of receiving any information or amendment upon the bill. With respect to bull-baiting, which had been alluded to, he could not see how those who were so desirous of continuing that practice should agree to going into the committee, and thereby acknowledging the principle of the bill. If bull-baiting was a fair sport—if it was, as he had heard it stated, for the amusement of that fine animal—and if no wanton and malicious cruelty occurred, then the magistrate would have no such crime to punish the parties for committing. If, on the contrary, it was attended with such odious circumstances, the bill would give the magistrate that salutary power which he ought to possess.

The Lord Chancellor approved of the motion of his noble and learned friend, and of the general principle of the bill, but thought it would be of very difficult application. His lordship observed upon the various tricks used by persons employed in furnishing provisions, such as crimping fish, &c. in which case it would be extremely difficult to draw a line as to what might or might not be forbidden by a legislative act. He mentioned that in Scotland there existed a law authorising bull-baiting. He thought it better to confine the provisions of the bill to beasts of draught and burthen.

The Earl of Liverpool complimented the noble and learned baron, but thought that the best mode was to do the most practical good they could; and as there was so much difference in the opinions and feelings of persons who were generally well disposed, in the degree of treatment exercised towards animals, he felt it almost impossible to mark the limit, and therefore supported the Lord Chancellor's opinion, for confining the operation of the bill to beasts of draught and burthen.

Lord Ellenborough concurred generally with the sentiments of the two last speakers, as he thought that a new act on such a subject ought carefully to distinguish and specify the particular acts which are to be considered as malicious and cruel. His lordship passed a high eulogium on the noble and learned lord who brought in the bill, and said, that he knew that for 20 years past, in his excellent humanity, he had entertained an intention of bringing forward such a measure.

Lord Darnley thought the bill went too far, and observed that more cruelty would be committed on the 1st of September than by all the bull-baiting.

Lord Redesdale recommended the printing and recommitment of the bill, to which Lord Erskine acceded, observing, that he disagreed with the noble lord (Darnley) as to the comparison of the cruelties of field-sports and those of bull-baiting. He thought that those who were the authors or practisers of the system of bull-baiting were like the fools in the Proverbs. They scattered firebrands, arrows, and death, and said they were in sport. After some other observations from the noble and learned lord, the bill went through the Committee, was ordered to be printed with the amendments, and to be considered and re-committed on a future day.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 31.

On the question for the third reading of the Surry sewer bill, it was proposed by way of amendment, that instead of the word "now," the words "this day three months," be adopted. Upon this a division immediately took place.

Ayes - - - - - -	10
Noes - - - - - -	49
Majority	39

Before strangers were re-admitted to the gallery, another division took place upon a proposed clause of amendment.

Ayes - - - - - -	22
Noes - - - - - -	57
Majority	35

The bill was then passed and ordered to the Lords.

Lord Milton moved, that the accounts presented yesterday from the inspector of imports or exports be printed. Ordered.

Sir Francis Burdett presented a petition from George Beaumont, printer, publisher, and sole proprietor of the Sunday newspaper called the Guardian; wherein he states, that on the 16th of October last he published in his paper a letter, signed "Tiberius Gracchus," wherein was repeated an assertion frequently used by the late Lord Chatham, and other illustrious patriots of his day, "that there was something behind the throne greater than the throne itself;" and that for thus treading in the footsteps of those illustrious statesmen, and simply repeating their language, a prosecution was brought against him in his majesty's court of King's Bench, by the Attorney General, of which he was found guilty by the jury, and sentenced to pay a fine of 50*l.* and to suffer two years imprisonment in his majesty's gaol of Newgate; without at all taking into consideration, or including as part of his sentence, two months imprisonment which he had suffered on this account previously to his trial, contrary to the usual practice of the court in such cases. He adds, in contrast to this case, that a person found guilty of wilful and corrupt perjury, and who received judgment at the same time, was sentenced to only three months im-

prisonment, without any fine. He alleges that his trial was not fair, nor according to the ordinary course of justice, for he was not allowed the privilege of challenging against any of the pannel; but the jury who tried him were selected by the master of the crown office. The petition was read by the clerk, and was as follows:

TO THE HONOURABLE THE COMMONS OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

The petition of George Beamont, late printer, publisher, and sole proprietor of a Sunday newspaper called the British Guardian, but now a prisoner in his majesty's Gaol of Newgate:—

SHEWETH,

That your petitioner in his paper of the . . day of last, inserted a letter under the signature of "Tiberius Gracchus," condemning the disgraceful convention of Cintra, which "disappointed the well-founded hopes and the just expectations of the nation."

That your petitioner therein attributed this disaster to the same cause as the late Earl Chatham, Mr. Fox, Mr. Burke, and Mr. Pitt, had attributed the war against the freedom of America—to an interior cabinet irresponsible to the people—to a power behind the throne greater than the throne itself.

That for treading in the footsteps, and repeating the language of these illustrious persons, his majesty's attorney-general filed an information against your petitioner for a libel, on which he was convicted, and sentenced to two years imprisonment in Newgate, to pay a fine of 50*l.* to enter into recognisances for his good behaviour for five years after the expiration of his imprisonment, himself in 300*l.* and two sureties in 200*l.* each, and to be imprisoned until such fine be paid, and such security be given.

That such sentence is contrary to the mild spirit of the British constitution, as it will necessarily occasion his perpetual imprisonment.

That soon after the information was filed, your petitioner was arrested under and by virtue of the powers given to the attorney-general, by an act passed in the last session, chapter 58, and was detained two months in prison before he received his sentence, a circumstance before unknown in the administration of our laws, and such previous imprisonment was not taken into consideration by the learned

judges, in the sentence which they afterwards passed upon him. Yet, but a few days before, when a public defaulter was brought up for punishment, only twenty-one months imprisonment was inflicted on him, a previous confinement of three months being taken into consideration, and no fine was imposed; for your petitioner submits, that the having, previously to coming up for judgment, repaid the money which he had improperly obtained, cannot in any sense be called a fine. And, on the same day, on which judgment was passed on your petitioner, a person convicted of corrupt and wilful perjury, was sentenced to an imprisonment of three months only; yet your petitioner, for an undefined offence is to undergo, and is undergoing, an imprisonment of two years and two months certain, and for the remainder of his life, unless he can find sufficient securities.

That mankind in general estimate crimes by the punishments affixed to them, and it therefore tends to ruin the morals of the people, to inflict a more severe punishment on a person who has blamed the conduct of an administration, than on those who have peculated from the public stock, or foresworn themselves in courts of justice.

That your petitioner was not fairly tried, for the forty-eight special jurymen were not impartially and indifferently chosen between the crown and your petitioner, but were selected by the master of the crown office.

All which your petitioner submits to the consideration of your honourable house, and prays that you will afford him individually such redress, and take such measures generally to prevent the recurrence of similar evils, as to your wisdom shall seem meet.

Sir Francis Burdett moved that the petition lie on the table.—Ordered.

The woollen manufacture bill was read the third time, passed, and ordered to the Lords.

The House resolved into a committee upon the seaman's allowance bill. Some objections to the bill were made by Sir Charles Pole, on account of the discontent excited amongst able seaman, veterans in the service, by the deductions from their pay, first for their slops, and secondly for the allotments to their wives and children; through which means it often happened, that at the end of a long voyage, for six or a dozen months, a seaman had not more than 40s. to receive; and contrasting this with the ease

of militia soldiers, whose wives and children were provided for by their parishes, he thought it a hardship, and one which was the frequent ground of complaint. At the very moment when such seamen were called on to set out for a subsequent voyage without a shilling in their pockets, they saw volunteers, inferior seamen, and even landmen, who had never served an hour, receiving large bounties for entering on board, and were often so piqued as to desert their ships.

Mr. W. W. Pole answered the objections of the honourable baronet, by saying the bill was adopted in compliance with the recommendation of the committee of naval revision, and it was considered rather as an indulgence to seamen while fighting the battles of their country, with the admiration of all the world, to enable them to allot a part of their earnings for the maintenance of their wives and children, and save them the necessity of appealing to the parish. This bill extended the principle, and enabled them to allot part of their pay to their aged fathers, which, by law, they could not do before. The honourable admiral argued as if this allotment, on the part of the seaman, were compulsory, whereas it was merely optional.

Sir C. Pole said, that this bill might be very favourable to the parishes, but he did not conceive it would be favourable to the navy. He should not, however, divide the House upon it.

The bill then went through a committee, and the report was ordered to be received to-morrow.

The House then went into a committee on the seamen's prize bill.

Mr. Rose brought in a clause for allowing the benefit of the act to be extended to soldiers serving as marines, or in expeditions conjunctly with the navy.

This clause, after a long conversation, was agreed to.

Mr Rose then brought up several clauses for the better prevention of frauds in the prize agents, which were also agreed to.

Sir Charles Pole moved for a clause to prevent the agents making partial advances to the officers on account of prizes taken. The object of the clause was, that the officers should have a common interest with the men in preventing frauds, and in prosecuting the prize agents.

This clause gave rise to a discussion, which was protracted to a considerable length. It was opposed princi-

pally on the ground of hardship to the officers, in preventing them from receiving those comforts and enjoyments, which their credit with the agents would be able to procure them.

The committee divided upon this clause.

When strangers were re-admitted into the gallery, we found the clerk reading over the resolutions of the

COMMITTEE OF SUPPLY.

When he came to that respecting the vote of credit, on the question that this resolution be read a second time,

Mr. Whitbread rose to make a few observations on the subject. He said he felt a difficulty in the course he was about to take, as there was one part of the measure he could readily agree to, and another to which he must object. The only mode, therefore, which it appeared to him he could with propriety adopt was, to pursue the same step he had taken last year, and move an address to his majesty on that part of the subject to which he could not give his assent, that it might stand on the journals as a record of his opinions, and of those who might happen to coincide with him therein.

Although he viewed with much confidence the events which had recently happened in the Peninsula of Spain—although he thought, or at least feared, that Portugal would, in the end, be wrested from us, he could not say he wished to withhold from ministers the supplies which might be deemed necessary to give the most effectual assistance in our power to these our allies. Whilst there was life, there must still remain hope; and it had always been his wish to assist Spain and Portugal as far and as efficiently as we possibly could. Though he was far from agreeing with his majesty's minister (Lord Liverpool) in the opinion delivered in another place, that the cause of Spain was now more favourable than it was last year, he thought he should, before he rose to speak, have heard from a right honourable friend of his, on the bench on which he (Mr. Ponsonby) sat, something respecting Austria. He was, however, sorry to find that, either from indisposition or some other cause, his right honourable friend was not in his place. He should therefore proceed to state his opinion on that subject, and that was, that we should not advance a guinea in support of Austria in the present contest. Whether the present was a struggle in

which Austria hoped and expected to crush the power of France, or whether it was to save herself from being crushed by France as soon as Spain was disposed of, he thought the attempt was ill-timed. She had, however, taken the step entirely of her own accord. If his majesty's ministers were to be believed, their counsels had been so very cold as to be almost forbidding; and he thought Austria had rashly entered upon the fearful contest, without duly appreciating either her own power or that of France. We had heard a great deal of the insurrections made or likely to be made there; but it was certain, that notwithstanding all these, Buonaparte had marched to Vienna with far more rapidity than he had done in 1805, and had for some time past been in complete possession of it. We had heard of the enthusiasm of the defence of Vienna, but it was not the enthusiasm of the people; and whatever might be that of the Archduke Maximilian, it was evident it was soon rendered useless; and being unsupported by the people, he was soon compelled to withdraw and relinquish any further attempt to defend the capital. He said that it was his opinion that Austria had taken an unadvised and rash step; and though he had been libelled for this opinion by the papers under the immediate control of the Treasury, he would repeat that opinion. If, in speaking thus of these libels, he had said any thing which was thought disorderly, he desired his words might be taken down; he did not mean or wish to flinch from them, but would maintain that opinion in spite of all these papers might say against him. Looking, therefore, at things as they are in progress, from events which have formerly taken place in Austria, seeing the strongest probability that she will fall into the state in which Prussia was, and that her power will be all but annihilated, seeing the affairs of the Peninsula in the same state, in which at this moment they appear to be, it became our duty to husband our resources, as we might soon expect to have the infinite force of France (as every force on earth might be called infinite) brought to bear against us alone. Knowing from fatal experience, that we have no probable power to withstand Buonaparte in his efforts against the continent, it became his duty to make a stand here, and to say he would not consent to grant a single shilling in support of the Austrian emplacement. As to what had formerly passed between Austria, Russia and England, she had been induced to violate her engage-

ments with France; if, in 1805, it had not been prevented by the success of the French arms, crowned by the battle of Austerlitz, which completed the vanquishment of Austria, and she was compelled to make the best terms she could with Buonaparte. Another objection he had to the measure of affording assistance to Austria, was the precedent which it would set of a most pernicious measure, viz. allowing Austria to draw without authority bills on this country. With regard to the contest itself, whether Austria or France was in the right, he would not say; the appearances were certainly against France; but all the documents which had come to our knowledge proved that France had always been attacked and never the attacker. (*Hear, hear, hear!*). He referred to the original coalition, in which it had been determined to drive France within her own limits, as the foundation of all the extraordinary power France had since acquired, and said he expected to hear annotations on it from the right honourable Secretary of State opposite to him. As he could not say, nor ever did, that France was right then, he could not say that Austria was right now. That Buonaparte might have it in contemplation to extinguish the power of Austria, as soon as he had disposed of Spain, he would not dispute; but to suppose that he would exactly seize on the present time, when he had not by any means settled the affairs of Spain—that he should have chosen this as the moment auspicious to his purpose, was absurd to suppose; and therefore the presumption in his mind was, that Buonaparte would not have chosen this opportunity, and that Austria had done so. On these grounds, he was not inclined to grant money to Austria, but much inclined to grant it to Spain.

He said that nations were apt to look at their own actions through a different medium, and with a different eye to those through which they examined the actions of others; and he thought this was most incontrovertibly proved by the appointment of Marquis Wellesley as ambassador to Spain. His majesty's ministry, who so vehemently condemned the conduct of Buonaparte with respect to the powers on the continent of Europe, had sent to Spain as ambassador, the very man, who of all others came the nearest to the steps he had taken, and the measures he had adopted in India, to those which Buonaparte had taken in Spain in particular. He thought, therefore, that choice was a most unhappy one; and that

the Spaniards, if they knew any thing of the history of the world, must know that Marquis Wellesley had done that in India which Buonaparte was endeavouring to do against their own country; and it could not fail, he thought, to make a most unfavourable impression on their minds.

The honourable gentleman lamented that he had not the advantage of hearing the sentiments of his right honourable friend (Mr. Ponsonby) on this subject. He consoled himself, however, with the idea that he had obtained those of a right honourable gentleman opposite to him—who, after inveighing in very lofty strains against the tavern doctrines held at the Crown and Anchor, had himself been induced to exhibit his powers of eloquence at the London Tavern, where the chairman had proved himself to possess a power paramount to the Speaker who filled the chair of that House, and had drawn from Mr. Secretary Canning an answer to three questions, on the policy to be adopted thereon by his majesty's ministers. Whether the right honourable gentleman delivered his sentiments, on the occasion, standing on the table, of which so much had been said, or on a chair, or on the floor, he would not say. Whether he had been animated on the occasion by the inspiring sounds of three times three, or the tertors of a glass of salt and water, in case of a refusal, he did not know; but it appeared from a paper he had in his hand, that a meeting was held at the London Tavern, and that Mr. Canning (perhaps it might be another gentleman of the same name, though he had reason to think it was no other than Mr. Secretary Canning) had addressed the rabble met at the London Tavern.—(*Hear, hear!*) He knew no reason why a set of gentlemen convened to meet at the Crown and Anchor, should be termed a rabble any more than a similar set of gentlemen who met at the London Tavern, whether to pay respect to the memory of Mr. Pitt, or for any other purpose. It appeared then that Mr. Secretary Canning, at the London Tavern, Mr. John Inglis in the chair, had, under the influence of three times three, been induced, in answer to three questions put to him by the said chairman, to give an account of the measures intended to be pursued by ministers on the subjects contained in the said three questions. Mr. Whitbread said he would not trouble the House by reading the proceedings, as he believed they were pretty well known to every member present.

The letter of the administration, the grave and virtuous

Lord Chancellor, was more prudent. He felt so much, he could not express his sentiment on the occasion; and therefore the meeting got nothing from him on that subject. They had lately heard a great deal in that House about gentlemen haranguing a rabble from a table at a tavern dinner, but he believed this was the first time they had ever heard of a Secretary of State, either from a table, or any other station, informing a company at a tavern dinner what ministers meant to do on this or that particular subject.

He then adverted to the late advices from Portugal, and observed, that of all the impositions he knew of, that of deluding or attempting to delude a whole people, was the most injurious. He declared he had a great respect for the character of Sir A. Wellesley. He thought, however, that in his letter to the Secretary of State for the war department, he had said rather more than was warranted by circumstances; but the letter of the noble lord had gone far beyond all limits, when it said that Sir A. Wellesley had defeated Marshal Soult in three engagements; whereas he (Mr. Whitbread) did not believe he had ever been engaged with Soult's army at all, but merely with the rear-guard of it. The accounts we had very recently received from thence were such as to make him apprehend, if the prospect of affairs did not soon change for the better, Sir A. Wellesley would be in a very ticklish situation. We had received no account from Austria that could warrant us to hope for success; and it behoved us therefore to husband our resources, since we were likely soon to have a struggle with the whole power of the Continent, under the direction of Buonaparte. However he might be calumniated, he was determined he would endeavour to set his opinions on the journals of the House. With respect to peace, many openings for it had already occurred, and might ere long do so again; and when such opening should invite, he hoped it would be eagerly laid hold of; for all sensible and impartial men must allow that a state of peace was the most desirable to any country, and that a state of warfare was peculiarly injurious to such a country as this. He could not quarrel with the vote of credit, because the intended application of some part of it was such as he approved, and to prevent debate, he would then read his address.

Mr. Whitbread then proceeded to read the same, which was very long, and began by thanking his majesty for

having directed the treaty to be laid before the House when confirmed; to acquaint his majesty that the House of Commons had learnt with surprize that the Austrian government should draw bills on this country without the authority of this government; that it was a dangerous precedent, which the House of Commons could by no means sanction, and that they did not feel themselves justified in sanctioning any further grants to Austria.

Mr. W. Smith spoke at considerable length, and expressed his concern at being obliged to differ with his honourable friend; but he conceived Austria to be entitled to our assistance as far as the ability of the country would permit, and he should therefore give the vote of credit his cordial support.

Mr. C. Hutchinson spoke at some length in favour of the vote of credit, and thought a supply should be afforded to Austria, even although it enabled her to hold out but for a week longer against the common enemy. He condemned the tedious and ill-concerted military operations of this government, who contrived to send our armies into the field always out of place or time.

Mr. Ponsonby, in rising to state his sentiments on this subject, said that it seemed agreed upon all hands, that all the assistance in our power ought to be given to Spain and Portugal. The only question at which those who thought upon the subject were at issue was with respect to the supply which England ought to give to Austria. He had no hesitation in giving it as his opinion, that no aid which we could give to that country could be of any effectual service to her. However, when he said so much, he did not mean to deny that if ministers thought proper to support her cause, and could shew any reason for it, they might be freed from blame upon the subject. The mode, however, in which Austria chose to make her demand was novel and extraordinary, and one which ought by no means to be allowed as a precedent. Considering all the circumstances of the case, he was compelled to say, however delicate such a declaration might be, that in his opinion the hopes of Austria were for ever blasted. But when he said this, he did not wish to be supposed as restraining the efforts of this country in her support, if ministers had any probable prospect of undertaking it with success. Austria was the great prop of the continent; she was their principal military power, and in many instances the friend of England. In

proportion, however, to the opposition she might make, no doubt would be the effort of her enemy, and that effort seemed now to be directed to her total ruin. The case was different with regard to Spain and Portugal. We were there bound so by treaties and engagements, that to withhold our aid would be both unjust and impolitic. Delicate as the subject might be, still he was resolved to give his frank and full opinion on it, considering, as he did, the greatness of the stake for which we played. He thought then, that in the present struggle, Spain and Portugal would totally fail, and that in a very short time the Emperor of France would hold them in as complete a state of vassalage as he did many of the continental states. While we had it our power then, we ought to take possession of the insular American colonies of those countries, and prevent Joseph Buonaparte from being really what he assumes to be—king of the Indies. He did not mean that we were to effect this by a system of piracy, but by giving our counsel to Spain, and lending her all our aid to carry such counsel into execution. He hoped we were not so far entangled with Ferdinand VII. as not to allow the people of South America, in case of the failure of the Spanish arms, to adopt a constitution of their own. If France succeeded in her contest with those countries, she would naturally look upon them with a jealous eye, and govern them with a hard hand. We ought then, in the probable anticipation of such an issue, to take care that we left them to the enemy in as little advantageous a state as possible; that by their conquest she should gain no maritime accession, and that their great seaports should not become so many naval resources in the hands of our enemy. Why should we allow Cadiz, and Lisbon, and Carthagena quietly to fall into the hands of France? He did not mean that we should turn pirates, but that we should be in time upon our guard, and if France did prevail, see what she gained, and that those who opposed lost as little as possible.

Mr. Canning said, that all sides of the House seemed so unanimous in their opinions as to the vote of credit, that he should certainly not detain them on the subject, were he not afraid of being challenged by gentlemen opposite with having paid less attention to a matter of such moment, than he did to others of inferior importance. The vote, indeed, was the ordinary vote of credit, which

was usually granted at the end of a session, and the sum very little exceeded the regular average. After what had been stated in the king's message concerning Austria, he should now be silent on that subject, did not he deem it proper to evince what was the disposition towards her. A complaint had been made with respect to her mode of application for pecuniary assistance; this he was not prepared to defend; care, however, had been particularly taken that it never should be moulded into a precedent; and, perhaps, an excuse might be made for the proceeding in the unprecedented circumstances of the times. He begged leave distinctly to deny that the hopes of Austria were attempted to be damped or dismayed by any representations of ministers here. In fact, no possible discouragement had been held out, but certainly no excitement had been given; she had been fairly told to weigh cautiously the circumstances of the contest in which she was about to engage; to consider fully the risk she ran, and the probabilities of success she had, for that in all calculation the event would be definitive. This was the only discouragement which was made use of towards her—it was a frankness which we used to all countries similarly circumstanced. We denied them not assistance in case they engaged in the contest, but then we did not wish to hurry them blindly to their ruin. We did not desire to place them between ourselves and danger—to make them the conductor by which the dreadful lightning might be averted from ourselves. (*Hear, hear!*) He could not help defending the justice of the Austrian struggle—a struggle in which sooner or later they must have engaged in, even according to the arguments of those who considered France as entering only into defensive wars, since the revolutionary contest, up to the war with Spain. (*Hear, hear!*) Austria saw the storm was impending; she saw that to resist at some period she must; for that she should certainly be attacked, and it was most politic in her to resist when resistance was likely to prove effectual. What! was she to court the opportunity or interests of her enemies? Was she to wait the fascination of the eye of France, until it suited France to swallow up her prey?—(*Hear, hear, hear!*) But even if Austria did fall, her struggle might not prove ineffectual; it might serve to shew Russia, and the other continental powers, what mercy they who aided France were likely

to receive, when France no longer needed their assistance, or thought their independence troublesome. It was an easy matter to prophesy misfortunes; and they who did so had at least this comfort, that they could not possibly be disappointed; but the person who foreboded good had no such advantage. He did not mean to become a too sanguine prophet; but he would say, that if accounts came within a few days shewing, that notwithstanding the capture of her capital, the heart of Austria was still firm, and her spirit unsubdued, then, indeed, his hopes would not be totally dejected, then he might anticipate the glorious issue which patriotism and united perseverance promised. With respect to Spain and Portugal, all seemed unanimous in the opinion that we should not desert their cause. Some, indeed, thought proper to qualify this assertion. The House, he hoped, would see the situation in which government was placed, and the consistent counsel of the gentlemen opposite. At the conclusion of last session they advised, that in the assistance which this country rendered to Spain, no appearance of a view to British interest might be obvious. What was their advice now? Why, indeed that we should seize on all their possessions abroad, and put them out of the reach of France. Now these two different advices might be both very good in their kind—they had at all events one advantage, that, whichever of them was followed, an attack for departing from the other might be made upon ministers (*a laugh*). If they removed the Spanish fleets, and burned some of these ports, oh! then the cry would be, how shocking—how barbarous to treat the country like a corpse when there was at least six weeks life in her! (*Hear, hear!*) But if the contrary course was adopted, and we were cool, while France advanced in her successes—"Oh, then, for shame, to let the country lie a corpse so long, without taking possession as heirs!" (*Hear, hear!*) Such was the predicament in which government was placed, if it followed either of the courses recommended by their sage advisers. He now wished just to touch upon the good-humoured attack of the honourable gentleman opposite, and to assure him, that all the merit of the speech which he had quoted as spoken by him at the London Tavern, belonged to the reporter. He paid many compliments to the talents and integrity of the Marquis Wellesley—a man, of whose merits and

peculiar aptitude for the post which had been assigned him, he would venture to say no man in the country could doubt; he was a man of the most splendid qualities, and equally admirable, as the representative or servant of his king. The right honourable gentleman concluded by objecting to the address which had been proposed, the introduction of which was not regular without previous notice.

Mr. Whitbread, in explanation, said, that he did not state that Austria was the aggressor in the war, but that France was so much engaged in the Spanish contest, that she would not have forced her into hostilities. With respect to the address, he thought it would be perhaps better that the House should take the present opportunity of deciding upon it, than make it the subject of a formal debate.

Lord H. Petty thought it highly deserving of censure that his majesty's ministers should make a statement of the foreign politics of the country any where out of that House. He condemned the extraordinary proceeding of the Austrian government, in having drawn upon the English treasury without being duly authorized, and was against voting any money on that head without proper explanation. He, however, must admit the necessity of the war on the part of Austria. She either must have abandoned her security, or crouched at the feet of France. He must adhere to the principle he had often recommended, that of husbanding our resources, until fairer opportunities should offer of employing them for the advantage of Europe.

The resolution was agreed to, as also was a vote of 900,000*l.* to his Sicilian majesty.

Mr. Whitbread next moved his address, which was negatived without a division.

Adjourned.

HOUSE OF LORDS.

THURSDAY, JUNE 1.

On the motion of the Earl of Suffolk the commissions of Colonel de Chamilly were ordered to be laid before the House.

On the order of the day being read for the further consideration of Poulett's divorce bill, the Earl of Hardwicke

moved the second reading, the Lord Chancellor entered into a detail of the evidence, and felt himself under the painful necessity of opposing the motion. After some observations from the Earls of Darnley, Hardwicke, and Earl Stanhope, and the reading of some parts of the evidence, the motion was negatived.

CLERGY.

On the order of the day being read for taking into consideration his majesty's message,

The Earl of Liverpool adverted to the returns on the table respecting the number of livings under 150*l.* per annum, in order to shew the expediency of resorting to some plan for more rapidly increasing the value of these livings, and thereby making a more adequate provision for the clergy. He was not now prepared to enter into a detail of the proposed plan, but it was intended to proceed by the agency of those means which were already established be parliament, and to move in the House of Commons for a vote of 100,000*l.* to be placed at the disposal of the governors of Queen Anne's bounty for this purpose. In the next session the attention of Parliament would again be called to the subject. His lordship concluded by moving an address to his majesty, expressing the readiness of the House to concur in the object of the message.

Lord Viscount Sidmouth cordially concurred in the object proposed, but would have wished to have known more in detail the intended plan. He also objected to the mode which seemed to be in contemplation, of making this vote a part of the appropriation bill in the Commons, and thus interfering materially with their lordships' privileges, as they would not have a fair opportunity of discussing this measure.

Lord Harrowby defended the proposed measure, and entered at considerable length into a detail of the operation of Queen Anne's bounty, which still left at a considerable distance the increase of all livings under 50*l.* a year to that amount. By placing 100,000*l.* a year at the disposal of the governors of that bounty, all livings under 50*l.* a year would be increased to that amount in four years. In twenty-one years more, all livings under 100*l.* a year would be increased to that amount; and in thirty-

five years afterwards, all livings under 150*l* a year would be increased to that amount.

After a few words from the Duke of Norfolk, the Earl of Liverpool, and Lord Viscount Sidmouth in explanation, the motion was agreed to *nem. diss.*

Lord Viscount Sidmouth gave notice of his intention to move to-morrow for an account of all licences granted in the different counties of England, under the act of king William, commonly called the toleration act.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, JUNE 1.

In a Committee on the insolvent debtors bill, a clause was introduced by Sir T. Turton, authorising the liberation, on the same terms as those prescribed for other persons mentioned in the act, of all debtors confined for five years who should owe the sum of 2000*l.*; and of all persons confined for ten years who might owe 3000*l.* The bill was ordered to be reported to-morrow.

LORD BURGHERSH.

Colonel Shipley rose, agreeably to the notice he had given on the subject of the papers, relative to Lord Burghersh's commission as a lieutenant-colonel in the army. From circumstances which had occurred, he was happy to think, that it was not necessary for him to proceed in this business. He must, however, be allowed to say, that in bringing the appointment in question under the consideration of that House, he had not been actuated by any personal motive, or by any feeling of hostility to the noble lord who was the object of it. The noble lord had done nothing wrong. It could be nothing but a praiseworthy motive which could induce him to court preferment in the army, which, while it was an honourable, was also a laborious and hazardous profession. As for himself, he was solely actuated by a regard for the public service. He felt regret that the noble lord had been deprived of that rank to which he had so lately been promoted. He hoped that the circumstance would not deprive the country of the services of so gallant and meritorious an officer, as he was given to understand the noble lord had proved himself to be. He must, however, be allowed

to congratulate the country on the result of the present business, as it proved that due regard would always be paid to the opinion of Parliament and of the country. He congratulated the service on the victory which had thus been gained over ministers; and by which an assurance was held out to them, that no deviation would be suffered to exist in the regulations of the army, when any such deviation was fairly and fully made the subject of investigation. Having said thus much, and again declaring himself to have been entirely free from every private or party motive, he begged leave to withdraw his motion. Leave was given accordingly.

INCREASE TO THE SALARY OF JUDGES.

The Chancellor of the Exchequer rose to move the Order of the Day for the House resolving itself into a Committee upon the proposed augmentation of the salaries of the judges.

Mr. H. Martin declared his anxiety to learn whether it was proposed to defray the amount of the proposed increase, out of the reduction of the sinecure offices connected with our judiciary establishments—a measure strongly recommended by most able reports of Committees of that House.

The Chancellor of the Exchequer did not think that the present question should depend upon the nature or quantum of these proposed reductions. He considered the merits of the increase stood upon intrinsic grounds, and that the other was an after consideration. He then moved, that the Speaker should leave the chair for the purpose of going into a Committee.

Mr. Henry Martin expressed his anxiety to guard against any misconception or misrepresentation of his opinions. He was distinctly a friend to the principle of the measure upon the ground that to the great and valuable services of the judicial administration such an increase was highly necessary. But whilst he did justice to the judge, he also thought that it should not be withheld from the people. Fourteen years ago, after very laborious investigations, a Committee of that House had recommended the cessation of sinecure offices connected with the courts of law, to the amount of 27,879*l.* With such information before the House and the country, he asked whether the public were called upon to pay additional and deserved salaries to the judges, that was not [illegible]

the proper moment to ask the minister who proposed it, whether it was his intention to meet such an additional augmentation from the fund, which must arise from the recommended reduction of useless offices in the courts of law?—The answer to the question he was solicitous to obtain, as it would determine his support to the particular motion of the Chancellor of the Exchequer.

The Chancellor of the Exchequer forbore to pledge himself to any conclusive course of conduct, relative to the reduction of those offices. The present measure stood, he contended, upon wholly independent grounds, without any reference whatsoever to the subordinate offices connected with such situations.

Lord Henry Petty also considered the present proposition wholly distinct from any reference to its collateral consequences. It was merely, whether in the present state of the public circumstances, the country was not called upon to render the elevated situation of a judge more commensurate with the labour he performed, and the dignity he was bound to support.

The Speaker then left the chair, and the House went into a Committee.

The Chancellor of the Exchequer after various preliminary observations, stated the object of his intended resolution, namely, to vote from the consolidated fund, such a sum as would afford one thousand pounds a year additional, both to the chief barons and justices, and to the puisne judges of the courts of law in England. In pressing such a measure upon the House, he was aware that it would feel the necessity of enabling the elevated individuals in the administration of justice in this kingdom, to support that decent and due dignity; at the same time that such a course should not intrench upon their property as individuals, or upon the future interests of their family. With respect to the other judiciary establishments of the united kingdom, he had to propose an increase at present only for the judges of Wales—taking the same standard as he did in the former instance, merely to make the real income equal to the nominal, he proposed an increase for the Welsh judges to the amount of 200*l.* a year.

With respect to Scotland and Ireland he was obliged to postpone any measure upon the subject. The House was aware that within a very short period a considerable

alteration had taken place in the constitution of the court of session in Scotland. Until that alteration was fully completed, and its effects visible, the delay of such consideration could not, in his opinion, be deemed improper. And as to Ireland, although he had received a letter from the Lord Chancellor of that country, stating the equally strong claims of the Irish judges to an augmentation of of their salary, yet he was not, without further information on the subject, at present inclined to vote any similar proposition relative to those parts of the empire. He wished at the same time to be understood, as giving no improper partiality, but as anxious that each measure should be brought forward upon the due occasion. He then moved that there be voted a sum of 40,000*l.* out of the consolidated fund for that purpose.

Lord Henry Petty gave the proposition his most sincere support, and he esteemed the unanimity of all sides of the House desirable in voting a resolution which all felt to be necessary. In the various administrations which had in modern times taken place, the country must see that the selection was pure and justified, wholly unaffected by political consideration, and that the reflection of the past was therefore the best security for the future. With respect to Wales, though aware of the difficulties from the constitution of the court of assize, he still thought that the most salutary alteration was, to place it under the fair and impartial system of British jurisprudence.

Mr. Wynne argued for a further increase to the amount of 500*l.* for the judges of Wales, and concluded with an amendment to that effect.

Mr. Bankes was friendly to the amendment, under the condition that the increase of salary was accompanied with the exclusion of Welsh judges from that House.

Mr. Adam was of opinion that the proposed augmentation should in a relative proportion be extended to the judges of the court of session in Scotland, and to those of Ireland. He could not admit, that the recent alterations in the constitution of the court of session in Scotland, ought to operate in the way of postponement to the claims of the Scotch judges for that augmentation of salary which their services so well merited. To the particular alterations in the system of the Scottish judicature, he was not friendly, but candour and conviction called upon him to state, that much good had been the

consequence, though not to the extent which, in his opinion, another system might have produced. The judges were however entitled to his and to the country's thanks for the aptitude with which they embraced the new change that the legislature had recommended; and therefore, either then, or at a future occasion, he should press the augmentation of a salary, which, as it at present stood, was miserably deplorable.

Mr. Bathurst and *Mr. Horner* supported the amendment of Mr. Wynne.

Lord Milton thought it a proper time when additional remuneration was voted to the judges, to state the claims and remonstrances of the people in the Northern counties, to have their assizes more than once a year. Numerous were the evils which followed such a delay of justice, and he therefore trusted that the period of redress had arrived.

Mr. W. Smith conceived the proposed increase right, but was fully convinced that the country would more fully approve of it, if it was accompanied with the reduction of those useless offices which it had been recommended to that House twelve years ago to reduce.

Mr. Spencer Stanhope expressed his opinion, that Welsh judges ought to be excluded from that House, and that the Northern counties should enjoy the two circuits in the year that the more central counties possessed.

Mr. Whitbread contended that when the House voted additional remuneration to the judge, it was also bound to attend to the claims of the people. Why, in the present facility of communication, should Yorkshire, or other Northern counties, be denied that prompt administration of justice which was given to Hertford or to Hampshire. He next alluded to the impropriety of Welsh judges having seats in that House, and also holding, as was now the case, places dependent upon the will of the crown. He also, though inclined to afford due means to the judges to support the dignity of their character, thought the first step was to apply to that purpose the 27,879*l.* which was now expended in useless offices connected with our judiciary establishment.

Mr. Perceval said, that the judges had not time to go the distant circuits twice—that the proposition respecting the Welsh judges would be understood to apply to his learned friend near him—and that the House had not suf-

ficient information on the subject of the law sinecures, to enable it with advantage to combine this consideration with the point of augmenting the salaries of the judges, on which all were agreed.

Lord Henry Petty observed, that the House ought to be informed on the subject of sinecures, as that subject had been treated in various reports, and as gentlemen would be called upon to decide upon the general ground to-morrow. He expressed his astonishment that it should be imagined, that the observation with respect to the Welsh judges, should be supposed to reflect upon the Solicitor general. The principle of such an argument would go to prevent all reform.

Mr. Perceval explained his meaning, which was, that persons out of doors would imagine the observations so to apply, although not so intended.

Mr. Whitbread understood the right honourable gentleman exactly as he explained himself, but could not concur in the soundness of the argument. He had great respect for the Solicitor-general; and the fittest time for reform was, that when an individual was concerned, whose character was such that it would be impossible for any one to say that the reform was directed against him. The objection of time, as to going the distant circuits twice in the year, he thought unfounded—for as to time, Carlisle was not more distant now than Norwich was 150 years ago.

Mr. G. Vansittart wished that an assurance should be given that the place of clerk of assize should not be sold in future.

Mr. Ponsonby thought the increase of the salaries absolutely necessary, and disapproved of mixing another subject with this consideration.

Mr. Wilberforce stated, that complaints had come to him of the inconveniences which some counties felt from not having the double circuit.

The resolutions as to the increase to the English judges was then agreed to; and Mr. Wynne's amendment proposing an additional increase of salary to the Welsh judges was adopted.—Report to-morrow.

SEATS IN PARLIAMENT BILL.

Mr. Curwen moved the committal of the parliamentary seats bill.—Ordered.

In the Committee, *Mr. Abbott*, the Speaker, rose and observed, that, unwilling as he was to interfere in the general discussions of the House, there were some subjects where a sense of personal duty was paramount to that feeling, and upon which some might even think that his public duty demanded his giving an opinion. Of these subjects he considered the present as one of the most important. The question was neither more nor less than this, whether seats in that House should henceforth be publicly sold—a thing at the very sound of which our ancestors would have started with indignation (*A cry of hear, hear!*) This practice was, however, not only heard without indignation, but was openly avowed and justified. (*Hear, hear!*) The House was therefore come to a pass from which there was no retreat. It had to pronounce, whether seats were to be thus openly sold—aye or no. To do nothing in the matter was to do every thing; for unless the practice, when thus exposed, was prohibited by law, it would be considered as sanctioned by the House. And under such circumstances, even before the expiration of the little that remained of the present session, seats would probably be sold by public auction, by which a greater scandal would be brought upon the House than it had ever experienced since the existence of Parliament. (*Hear, hear!*)

There were three points here to be considered—1st, Whether the practice was a political evil?—2d, Whether it was a parliamentary evil?—and 3d, Whether it could conveniently be prevented for the time to come?

As to the first question, whether it was a political evil, he did not think it incumbent on him to enter at any great length into that view of the subject, nor could he believe that it was at all necessary. That property ought, for the sake of the prosperity, the peace, and the freedom of the country, to have a great and paramount influence in the return of members to that House was, in his opinion, perfectly clear. But when the owners of property departed from the generous motives of friendship, of respect for talents, and a regard to the public good, and unblushingly went to an open and shameful market to sell the attachment of their connections and dependants to strangers, they debased the character of the House, and degraded the habits of the higher ranks, circumstances of which themselves seemed to have been sensible by the

sort of concealment which they had adopted in these transactions. Such proceedings, he observed, as they were degrading to the character of the House, strongly favoured the views of those whose zeal for reform, however well meant, had a tendency, in his opinion, to subvert the whole of the representation. (*Hear, hear!*)

That this was a parliamentary offence he thought beyond all question. It had always been the doctrine of that House, and of the constitution, that the election of members of Parliament ought to be free—a doctrine which had been sanctioned by the bill of rights. And to shew the sense which the legislature had of the spirit of that act, it was followed up, in the very next year, in the case of the Cinque Ports, by an enactment, that for any warden of the Cinque Ports to nominate or recommend any candidate for the representation of the places under his jurisdiction, was a violation of the law. (*Hear, hear!*) Corrupt offences had, in all ages, been reprobated in that House. They had been reprobated in the Committees of privileges at all times, and had been visited with severe animadversion and punishment in cases that occurred soon after the Revolution, and at the close of Sir R. Walpole's administration. It was the general language of Parliament to reprobate such offences. The bribing of voters was an offence at common law, before the statute against bribery had passed. In like manner the case now under consideration was an offence at common law; and where any previous agreement to controul the voters was proved, the election was by the common law void. In proof of this he instanced the case of the Stirling election in 1773. It was there proved that a secret contract had been entered into, by which none were to be admitted into the town council of Stirling, except such as it was presumed would vote for a particular candidate. The favoured candidate was returned; and though the voters themselves were perfectly ignorant of the existence of any such contract, the court of session held, that their votes were vitiated by the corrupt agreement, and declared the election void. This decision was appealed from to the House of Lords; and the judgment of the court of session was affirmed. At a later period (we think about 1781) an agreement had been entered into between two rival candidates to join their interests, and to return one of them, who, after sitting in the House a certain number of years, was to resign and make room for the other, who was to be returned

by the same voters. The Committee had voted this to be illegal, and the election was declared void. This practice, therefore, was a violation of the privileges of the House. In this case then they ought to proceed as their ancestors had done; who, when the common law was found inefficient, accomplished their purpose by prohibitory statutes.

The third consideration was, whether this offence could be prevented by prohibitory statute. If there was any doubt upon the point of law as it at present stood, or if the law was obscure and little known, the bill ought to be declaratory as well as enactive. The first object then would be to declare the law, and next to enact the penalty. The offence ought to be stated as plainly, and in as few words as possible, for the sense was sometimes lost in the multiplication of words. With regard to the oath, his objection was to the general form of it rather than to the oath itself. An oath might be extremely proper in important cases, and none could be more important than the present. And he besides agreed with Sir W. Blackstone, that an oath was more likely to be effectual when imposed upon the elected than when imposed on the elector. As many, however, had strong objections to the oath, he would not insist upon it, although he certainly would have done so had he thought it essential. But the purpose might be effected by creating, in the first place, a disability in the person convicted of this practice, of sitting in the House for that session, or he would have no objection to the extension of the disability to the whole Parliament. In the next place, the party receiving the money for a seat might be subjected to a forfeiture of the sum, and to such a penalty as the House should think fit; and, to crown the whole, he thought that both parties should be declared guilty of a misdemeanor.

He was exceedingly anxious to establish the principle of this bill. He hoped there were many who had acted from want of due consideration, rather than from want of principle; and who, when they saw this law, would shrink with abhorrence from such practices; while others of a baser nature, might be prevented by the fear of punishment. He would listen to any amendment which might afford the hope of making this bill effectual. He wished the principle to be clearly stated, and to be supported by clear and distinct provisions. He concluded by observing, that it was indispensable to the honour of the House, that

some law should be passed, declaratory of the abhorrence which it felt at the corrupt dealings in seats, which had been so openly avowed.

Mr. Perceval observed, that the alterations which he had been enabled to frame would go a great way to meet the ideas of his right honourable friend who had just sat down; and he concurred with him, that it would be equally wise and prudent to make not only an enacting but a declaratory law. He also concurred with him, that the person guilty of this offence ought at least to be deprived of his seat. It was not necessary, he thought, to state what the law was before. He would merely say on that head, that in his opinion the law was so doubtful, that in a court of law, if the point came forward in a civil suit, it would be declared to be unlawful; but if a person should be indicted for a misdemeanor, the law was not so very clear, but that the defendant would in all probability be acquitted. If the offence could be described in such a way as not to endanger the safety of the innocent, he should be ready to concur in the principle of the measure.—But at the same time, the enactments ought to be well guarded, for he confessed that he had felt great difficulty lest the House should controul where it had no such intention; and he thought they ought rather to fall short in the first instance, than go too far. The object was to come at the case where there was a distinct sale of the seat. In this case it would be proper to reach not only the individual who could influence the whole of the voters, but also the person who by a minor interest could effectually decide the election between two candidates. It would be still further necessary to extend the provisions of the act to the person who received money for his influence, whether he was a voter or not, and to render a contract for the payment of money to any person for his influence a ground for vacating a seat. He perfectly concurred in the opinion, that he who also received the money ought to be liable to a forfeiture of the whole; to be punished for a misdemeanor; and he would further propose a penalty of 500*l.* to the informer. But he was rather disposed to stop short of what had been suggested by his right honourable friend, respecting the rendering this offence in the member a misdemeanor in a court of common law; for if such an offence was tried there, and a verdict of guilty pronounced, the House would consider the crime

as proved, and proceed to expel the member; which would throw the question of the validity of a seat in that House upon a court of common law.—The same objection the right honourable gentleman admitted, applied to the bribery laws at the present moment; but it had so occurred, that since the passing of the act of the 2d of George II. that the offence had never been brought to a court of common law, till previously exposed by a petition in that House. He thought also that certain limits of time as to the inability of the member should be established, and that the seat should be merely vacated in the first instance. He was not surprised that, at first, it should be intended that the bill should extend to the promise of offices. But the more he considered this the more it appeared utterly unsafe to go to this extent. Offices there must be—the business of the state could not go on without it. The disposal of offices must rest somewhere, and here that power was vested in the crown. That this power must create influence was beyond all question; and every body agreed that it was proper that such influence should exist in the crown. The only objection that had been made was to the extent of it. But the effect of such a regulation as that which was proposed with respect to offices, would be, that none would either ask or receive an office without the risk of a conviction for a misdemeanor, however innocent. The only evidence which a jury would have to decide upon would be, that a member had procured an office for a friend who had voted for him at an election; and the probability in many such cases would be so great and the difficulty of proving the absence of all corrupt motives so considerable, that the most innocent men could hardly escape conviction. It might be said out of doors that he urged these arguments for the purpose of preserving the free use of the patronage of his office. But he would not do justice to that office, nor to the House, unless he stated plainly his views on the subject, to whatever odium it might expose him. If he were to adopt the proposition, he would expose the consciences of all who were to succeed him to the greatest snare that could possibly be imagined. Another object was, to guard against the possibility of conviction for the lawful expences of an election, such as the payment of agents, &c. Such expences did lawfully occur in the election for the largest counties particularly, and he instanced the last election

for the county of [illegible]. With regard to the oath, the right honourable gentleman observed, that the difficulty of describing and qualifying the acts to which it was to refer with sufficient precision, rendered it wholly inadmissible. Suppose an oath had existed in the case of treating, one Committee might decide that a certain act came under the provisions of the treating law, while another decided in a manner directly the reverse. It would be impossible, in such cases, to ascertain what a member might safely swear, and what not. The honourable gentleman, Mr. Curwen, proposed to bring the question of the seats before the law courts; and even with the proviso against conviction for legal expenses, the court of law might hold that to be illegal which a Committee would pronounce to be legal. It was, therefore, impossible to admit of the oath, without a degree of precision of which he did not at present conceive the case to be capable. The right honourable gentleman then proposed his amendment—that the member guilty of purchasing his seat for money should lose it; that the person receiving the money should forfeit the whole, be liable to a penalty of 500*l.* and to conviction for a misdemeanor; with the proviso that the act should not extend to the sale of estates to which influence was attached, nor to legal expences at elections. This might not be altogether satisfactory to some gentlemen, but it was as much as the House could do, with safety, in the first instance.

Mr. Curwen congratulated the House upon the important information derived from the high authority (the Speaker), with whose sentiments they had been favoured upon this subject. With respect to the measure which he had thought it his duty to bring forward, as it was prepared in a hurry, he was willing to admit the probability that it was very inadequate to its object. He should, therefore, be ready to pay every possible attention to any amendment that might be suggested. No difference of opinion, he perceived, appeared to exist as to the necessity of a provision of this nature. So convinced, indeed, was he of that necessity, that if asked whether he would rather have the regulations proposed by the Chancellor of the Exchequer than nothing, he would promptly say, that however inefficient he considered those regulations, they should have his support. At the same time he could not help observing, that he must consider any arrangement

upon this business unequal to attain the end in view, if the oath were omitted. He did not mean to be tenacious of the particular form of oath which he had submitted, but he thought that such an oath should and could be framed, as would serve to guard against the evil complained of, and at the same time be free from the objections urged by the right honourable gentleman. The honourable gentleman concluded with protesting against the idea of supporting any proposition which could in any degree tend, as seemed to be the apprehension, to transfer to a court of law that jurisdiction over its own members, which ought alone to belong to that House.

Mr. Ponsonby was of opinion, that the effect of the Chancellor of the Exchequer's proposed ductodanoum for his honourable friend's bill, would be to vest the patronage of the boroughs almost entirely in the minister of the day, and therefore he should oppose it. The right honourable gentleman's conception of the oath proposed by the bill, appeared to him very extraordinary indeed. If the crime to which the law was meant to apply was intelligible, and nothing seemed more explicit, he could not see the difficulty of understanding the oath, or that any conscientious man could hesitate to take it. No man of common sense, indeed, could have any apology for hesitation upon the subject. He thought, however, that in order that the question should be fully considered, the bill should be re-committed, and that the regulations proposed by the right honourable gentleman should stand besides the provisions of that bill, and be fairly compared with them. It was due to the character of the House, and the opinion of the public, particularly after recent transactions, that this business should be thoroughly investigated.—The evil to which the bill referred was long known to prevail, and after that confession by the House, what was the country to think if it should go forth that no adequate remedy could be provided? After the confession was made, the House was bound to contrive some remedy. For could any thing more extraordinary be imagined, than that the solemn trust of legislation should be bought for money; that it should become a matter of bargain and sale, and that such a thing should be publicly declared to a free country, accompanied by an admission that the evil was incurable? This, however, he would not believe. What! the sale of seats in that House should

be notorious, and that the scandalous interposition of the treasury to purchase such seats should be equally notorious, and yet that no remedy was to be provided! It was impossible that the public could think the House sincere if it did not frame a measure calculated to put an end to those practices, not only on the part of the treasury, but of individuals also, and that all members should be bound to swear at the table, that they did not owe their election to such practices, subjecting to the most ignominious penalty any man who violated that most sacred obligation.

Sir John Anstruther thought a clause should be introduced, extending the prohibition so as to include the terms of the bribery oath, namely, those of "place, employment, office, or reward". This provision would include places and patronage of course applying to the treasury; and he saw no reason why the elected should not be subject to swear by the same terms which were prescribed to the electors.

Mr. Tierney considered this bill as of the utmost importance to establish the purity of election. But if no adequate provision could be made to guard against the undue influence of the treasury at elections, the bill must be nugatory. The framing of such a provision he, however, did not think at all impossible. It did indeed appear a monstrous proposition, that the grant of any place or patronage for the purpose of improper influence at an election, could not possibly be provided against. If any such proposition could be bottomed upon sound sense, he would immediately call upon his honourable friend to abandon his bill. As to an action against any member who should violate the obligation proposed by the bill, he would ask, how could it be supposed less practicable to maintain such an action for any penalty than that already prescribed by law, against, for instance, any contractor who should become a member of that House? With regard to the oath, he thought it essential to the object of the bill; and he was also of opinion, that a clause should be introduced, subjecting to heavy penalties who should dispose of patronage in any manner to contravene the spirit of such a measure. But his impression of the importance of the oath, as applying to such dark transactions was such, that he would rather adopt the oath alone, than take all the Chancellor of the Exchequer's clauses without the oath.

Mr. G. Rose had no objection to any penalty or imprisonment that might be proposed, to provide against the evil to which the bill referred, but he must deprecate the oath, because he thought that conscientious men might feel it difficult to take an oath which was merely a construction of law. If "corrupt practices" could be distinctly defined, this objection would not apply. But really as the matter stood, he did not see that the oath could in all cases be safely taken by those even who meant not to offend.

Mr. C. W. Wynne argued ably in favour of the bill, which however, he conceived would be not only nugatory, but mischievous, if it was not framed so as to apply to the patronage of office, as well as to the grant of money. After the incontrovertible evidence which had recently appeared, with regard to a traffic in patronage for the purpose of purchasing a seat in that House, the people must consider any measure of this nature as a mere mockery, if it did not provide against the recurrence of such scandalous practices. As to the objections offered against the adoption of the oath, he confessed that he could not feel their weight. He could not conceive any reason why men should not be prevented from giving, as well as from receiving, bribes at an election. Indeed, he was convinced that such prevention ought to exist; the more particularly when he reflected upon the disgraceful advantage which had been taken of the law as it stood. He had, in fact, seen members of that House come forward in a court of law to prosecute, under the bribery act, the very men who had accepted bribes from them—thus acting the part of informers, in order, as they avowed, to save themselves. What an exhibition for an intelligent and honest public to contemplate! But he hoped that this measure would be so contrived as to guard against the recurrence of such scenes.

Mr. B. Bathurst could not conceive it within the reach of ministerial patronage to procure any material number of seats in that House, for he was not aware of any material number of places which could be considered as equivalents. If the oath were persisted in, he hoped it would be so framed as effectually to meet the case, by providing against both wholesale and retail traffic in boroughs.

The Speaker said, that however he respected the very flattering testimonies honourable gentlemen had been

pleased to pay to his opinions, still he could not be persuaded that it was his duty to reduce to the form of amendments, whatever suggestions he might have taken the liberty, in his humble judgment, to have submitted to the Committee—humble as those suggestions were, he would be at all times, and in every future stage of the bill, ready to submit them to the better sense of those who heard him. He confessed that he was very much afraid, that if the omission of the grant of office was insisted upon, the bill would be in effect mainly defective. He admitted that the words gift and reward did substantially include the grant of office; but then he was apprehensive, that the uniform construction upon those words might admit of very plausible exceptions, though it substantially meant rightly, it meant so covertly, and, of course, it would be desirable, that when the intention was right, the meaning should be clear, direct, and obvious.

The Chancellor of the Exchequer admitted the strength of the observations of his honourable friend, who had just sat down; but said at the same time, that the oath was so generally worded as to call for amendment. The oath by which any man was to be bound could not be worded in too special pleading a manner. This might seem an odd phrase, but his meaning was, that a man should thoroughly understand that to which he was to swear. He reminded gentlemen of that interchange of kindness that so generally took place between the electors and the elected, and which yet might, however honestly accepted and proffered, give rise to serious scruples in the breast of a man of honour in taking that oath.

Mr. Ponsonby submitted to the Committee, that all those members who had amendments to propose should propose them, in order that they might be printed together with the bill, so as that the House would be better able to decide upon the respective merits of the amendments.

Mr. C. H. Hutchison said, that he could not avoid taking that opportunity of expressing his personal acknowledgments to the right honourable gentleman (the Speaker), for the manly, dignified, and constitutional part he had that night taken in the discussion upon the bill then before them. Anxious as he was that that House should stand well with the country, he must be glad to

witness such conduct in any member, but peculiarly happy was he to see such conduct sanctioned by all that grave authority, that must have the effect of making it exemplary. He would return to his home from the House that night, with a prouder sense of his situation as a member of that House, than he had reason to indulge in for many nights back.

Mr. W. Smith was of opinion, that the objections to the oath seemed to be founded upon the supposition that the same practices which now existed would still continue to exist; but he rather thought that, should this bill take effect, its operation would be so salutary as to counteract those practices which it was thought would run counter to the oath.

After a short conversation between the Speaker, Mr. Tierney, the Chancellor of the Exchequer, and Mr. Curwen, it was agreed that the bill should, in the first instance, be printed, together with the amendments, for the perusal of the members.

The House having then resumed, the report was brought up, and the further consideration was ordered to be gone into on Tuesday next.

HOUSE OF LORDS,

FRIDAY JUNE 2.

LORD ERSKINE'S BILL.

The House went into the Committee on the bill of Lord Erskine, when his lordship rose, and made a variety of observations tending to shew the necessity of passing the bill. His lordship restated a number of instances of the cruelty practised towards animals under the protection of man, such as the treatment of horses intended for slaughter, which were kept for a considerable length of time without any sustenance except such as they might receive from the mangled and putrid corpses of similar animals or from their dung. He would not go into particulars on this occasion, but he would pledge himself to prove at the bar of that House, from almost innumerable sources, the cruel practices that abounded. He proposed some verbal amendments, and the title of the bill, which was, "a bill to prevent wanton and malicious cruelty to animals." His lordship made a number of general observations on

the merits of the principle of this measure, and said, that such an act it was incumbent on the legislature to pass. He thought that even the unanimous sense of such an assembly as their lordships, was worth all the penal enactments that could be made on the subject. He thought that the present state of the community of this land was (notwithstanding many exceptions), with respect to its sense of honour and humanity, and the general moral feelings of the country, superior to what it had been in former periods, and superior to that of any other country in Europe, or in the world. He attributed this, mainly, to the efficacy of those christian precepts which had been inculcated here, and imbibed by the people in general; those precepts he conceived to be the great safeguard and protection of the state. Upon those precepts he had endeavoured to frame this bill, and on their practice he hoped it would pass. He contended for the propriety of the word "abuse," as meeting the cases of cruelty, to which he had alluded, better than any other.

After a few words from Lord Darnley, the bill was ordered to be re-printed, and re-committed on a future day.

TOLERATION ACT.

Lord Viscount Sidmouth rose to move for an account of the licences granted yearly under the toleration act since the year 1780. He would be one of the last to infringe upon the provisions of that wise and benevolent act. He thought that the far greater proportion of those who dissented from the church establishment, did so from conscientious and worthy motives, or from reasons that he had no doubt were laudable, and he believed that they would not think that his view of this subject was unjust or uncharitable. But he did believe that the toleration act had been much abused. Previous to the ballot for the militia, and previous to other occasions, which called upon every man to do his duty to his country, many persons took out licences to preach for 1*s.* who never intended to teach and preach, and who were not qualified to perform those important duties. He thought that such persons swelled improperly the list of licensed preachers, and teachers. Such persons ought to state the particular points of their dissent, and to give attestations of their character and qualifications. He highly commended the principle of the measure announced on the preceding night, for augment-

ing the bounty of Queen Anne, and was sure that if was only by such means as were proposed, namely, that of giving respectability to the ministers of the church, that the great object which he trusted all their lordships had in view on such a subject as this could be effected. He should on a future occasion have something further to submit, but at present confined himself to his motion as he had already stated.

Lord Harrowby entered at some length on the question. He thought that it was not by any restrictive measure that any great and desirable object could be accomplished. He particularly recommended to their lordships' consideration the small number of churches of the established worship compared to what was required. The people were desirous of procuring religious instruction; and if they could not find it in the establishment, they were obliged to seek it elsewhere, in very many cases, while they would more readily receive it from the church of England. With this fact he was certain many of their lordships must be well acquainted. Give the church its fair and just opportunities, and he had not the slightest reason to imagine any danger to the establishment. The general superiority of education, the justly acquired influence, and the moral habits of the established clergy would, he was convinced, in that case, ensure those moral and religious advantages that were so much desired by all who had at heart the welfare and happiness of the community at large. His lordship would propose an amendment, which would shew the progressive increase of dissenters, or persons preaching and teaching, not being of the established church, more fully by going back towards the commencement of his majesty's reign. He therefore moved the yearly returns should commence from the year 1760 instead of 1780.

The Archbishop of Canterbury said, that the fact of the great increase of sectaries and dissenters from the established church of England, was one which was so clear that no man could doubt it. His grace supported the motion and the amendment, and expressed his approbation of the measure proposed on the preceding evening. The fact was, said his grace, that our population had, particularly in some large towns, far exceeded the machinery by which the beneficial effects of our church establishment could be universally communicated. He did not wish to interfere

in the smallest degree with the wise and just system of toleration, and though he lamented the present deficiency of means on the part of the establishment, he was not friendly to measures of restriction: so far from that, under the present circumstances, he should be sorry to see any such measures resorted to. But he trusted their lordships would consider the real state and number of the parochial places of worship in the country under the establishment. His Grace begged, however, to state, that with respect to the licences alluded to, the bishops had no power whatever.

Earl Grosvenor concurred in most of what had fallen from the preceding speakers. His lordship thought the matter of the highest consequence. He held in his hand a printed letter to the late Archbishop of Canterbury, calling upon his Grace's interference; and stating, out of not a large number of persons receiving licences, that seven or eight of them spelt the word "Gospel" differently; and as many others made their mark, instead of signing their names, on paying their shilling for a licence under the toleration act.

The Lord Chancellor expressed his desire to see every thing done that could be done in favour of the established church, and hoped that something might be done to prevent those abuses that were practised on the toleration act, by which men who never intended to preach or teach took advantage of that liberal enactment, to avoid that civil or military service which no conscientious or religious person would take such means to avoid.

After some observations from Lord Viscount Sidmouth, his lordship's motion was put and carried, *nem. dis.*

Adjourned.

HOUSE OF COMMONS.

FRIDAY, JUNE 2.

Mr. Horner moved an address to his majesty, praying that the report of the commissioners for the administration of justice in Scotland, respecting appeals to the House of Lords, be laid before the House.—Ordered.

The report was brought up from the Committee, to whom was referred a consideration of the expediency of increasing the salaries of the judges, and the resolutions agreed to.

Mr. Whitbread said it was not his wish to oppose the increase of salary intended, to the judges; but he gave notice that he should, in the progress of the bill, take the liberty of suggesting to the House, some propositions on the subject, and particularly for preventing the sale of the office of clerk of assize, and also for preventing the Welsh judges from holding other places of profit under the crown, and from occupying seats in Parliament, both of which he considered as incompatible with the independent and impartial administration of justice, as well as with the principle upon which the judges of England hold their appointments. There was another point to which also he should take occasion to advert: namely, the great grievance under which the remote northern parts of the kingdom, and particularly the county of York, laboured under from the delay of justice, as being only visited by the judges of assize once in a year, and that only for a week; a circumstance extremely oppressive, not only to suitors in that great county, but to all persons there awaiting the course of justice, civil or criminal.

The Chancellor of the Exchequer said, that the judges, on going a circuit, certainly allotted by anticipation the time they should remain at the different towns on their respective circuits, according to their calculation of the time the business to be done at each would probably occupy: sometimes certainly the business occupied more time than they expected, and rendered it impracticable to accomplish the whole, consistently with their arrangements made for other places; this, however, seldom happened; and where it was conceived the business would occupy more than the ordinary time, two judges went to York instead of one, whereby double the business was disposed of within the same period. It would be for the wisdom of Parliament to make such arrangements on this head as might seem necessary hereafter; but he hoped the House would not clog the present bill by such regulations.

Mr. Bankes coincided in the necessity of rendering all the judges equally independent of the crown with those of England, and therefore agreed in the propriety of precluding them from seats in Parliament, as well as from other lucrative offices under the crown, in order that they might not only be removed from the influence of the crown in that House, but even from the suspicion of it; and he

thought that a clause for this purpose, as well for preventing the sale of the office of clerk of assize, to increase the emolument of judges, when their salaries should be considerably increased, ought to be inserted in the bill, and not left as a future and separate measure, which might not be so easily attainable hereafter, as by being connected with the present bill.

Mr. J. Hawkins Browne deprecated the idea of precluding the Welch judges from seats in that House, under any idea of their dependence on the crown, their places being for life. By such an exclusion, the House would be deprived of a valuable portion of talents: and he begged leave to instance the speech of one of those judges upon a late important occasion (that of Mr. Burton, in the case of the Duke of York) as one of the most lucid and eloquent ever uttered within the walls of Parliament.

Leave was given to bring in a bill pursuant to the resolutions.

GAS LIGHT BILL.

Mr. Mellish moved the third reading of the gas light bill, but at the same time prayed the indulgence of the House in allowing him to propose five new clauses; and that the House would take the debate upon the question "that the bill do pass." He read the clauses in his place.

Sir J. Anstruther saw no necessity in the present case to depart from the usual mode of proceeding; and hoped the House would not encourage a custom which had prevailed of late, namely, that of keeping back the principle clauses of private bills until the very last stage, and then proposing them by surprize upon the House.

Mr. D. Giddy declared himself directly averse to this bill altogether; first, upon the general principle of granting chartered monopolies to any great body of men, to the preclusion of all competition. He would admit there might be some exceptions, in cases where great advantages to the public must manifestly arise, and where the fortunes of a few individuals must be inadequate to the accomplishment; in the case for instance of a great aqueduct, for the supply of a city, such as the New River; or

of a canal, as the West India Docks, or such great undertaking, where the public advantage was clear, and the profits within some calculation. But upon such an undertaking as the present, where, however ingenious the plan, the practicability was problematical, and no estimation produced to prove it capable of adoption to any thing like the extent proposed, he was against the sanction of Parliament being given to the measure, for the purpose of procuring immense subscriptions to an undertaking, which, on the face of the plan, seemed unmanageable by any act of directors; for it appeared that in the parish of St. James's alone, six different establishments would be required to furnish the light, and that the expence of lighting by gas would cost 550*l.* a year more than by oil. What then must the number of establisments be for all London, and where was the advantage to the public, supposing the plan practicable? It might turn out ultimately a second South Sea bubble. He could not in all events, agree to authorize the company to receive subscriptions to an amount which would enable them to monopolize oil, coal, and the other materials which afforded the public an alternative, in order to drive them into the adoption of this scheme, the failure of which would entail disgrace upon the nation. He concluded by moving, that the bill, instead of now, be read the third time this day three months.

The bill was also opposed by Sir James Hill, Mr. Thompson, of Hull, Mr. Hall, and Mr. Babington.

Mr. Wilberforce opposed the bill. It was not necessary, he observed, to resort to charters to procure capital. He would not encourage these gambling projects, by which men were to be princes or beggars, in a moment. He could not avoid directing the attention of the House to the extravagant expectations that were held out in a pamphlet recommending this plan. Among other impudent impositions, it was endeavoured to be shewn, that it would produce, in the course of a short time, no less than 10,201,741*l.* 13*s.* 4*d.* in the way of taxes. In the same statement, the annual profits, after a certain period, were calculated at two hundred and ninety-nine millions. He considered it as one of the greatest bubbles that had ever been imposed on public credulity. He could compare it to nothing so well as the Ayr Bank, the loss by which

was immense to the public, and had involved in difficulties, for years, most of the great landed proprietors of Scotland.

The House having divided, the amendment was carried by a majority of 52 to 38. The bill is consequently lost for this session.

IRISH DISTILLERY BILL.

The House then went into a Committee on the above bill.

Mr. Parnell objected to the nature of the punishment inflicted by the bill upon such persons as were concerned in unlicensed stills. For the first offence, corporal punishment was inflicted;—for the second, transportation. He did not approve of such severity, especially as the system now acted on was so defective as to give encouragement to the offence. He would therefore move, "That the clause inflicting such punishment should be omitted."

Mr. Bernard disapproved of the entire system of laws that regulated the distilleries in Ireland. He was strengthened in his opinion, not only by the Irish commissioners of inquiry, but by a trial of the present system for many years. He contended, that at no period were illicit distilleries carried on to a greater extent than the last two years, which must alone be attributed to the present regulations. Though the right honourable gentleman would not at present agree to a change in the system, he was happy to hear him say even so much as that next session he would meet an inquiry on the subject. He (Mr. Bernard) pledged himself to bring it forward at an early period, and hoped to convince the House that a change of the system would be of considerable advantage to both countries, by encouraging agriculture, and increasing the revenue.

Mr. Martin said, that he had never yet heard of corporal punishment being inflicted for a fiscal offence; such a punishment, in such a case, was unknown to the constitution. Besides, the nature of the corporal punishment was not ascertained—whether it was to be flogging or hanging they did not know. Great care, he admitted, should be taken of the revenue; but not by subverting the principles of the British constitution.

Mr. Whitbread said, that the many experiments of that

kind which had been adopted in other countries of Europe, should act as a warning to them, how they would resort to too great severity.

After some further observations from Mr. Foster, Sir J. Newport, and Mr. Bernard, Mr. Foster agreed to withdraw the paragraph.

Mr. Parnell objected to the clause which punished the carrying of spirits, illegally distilled, with transportation.

PUBLIC EXPENDITURE.

Mr. Martin moved the order of the day for going into a Committee on the third report on the public expenditure—and afterwards the House resolved into the said Committee, Mr. Wharton in the chair,

Mr. Martin said, he should trouble the Committee on the present occasion with only a very few observations. One thing had occurred since the last discussion on the subject, viz. a return had been made of the permanent taxes, which he was sorry to see produced no more than 30,000,000*l.*, a sum which left a deficit of upwards of a million short of our annual expenditure. If that account be true, which he had no reason to doubt, we had arrived at a period when the House must see, that every shilling we are now adding to the national expenditure must be so much added to the war taxes, and would make them permanent.

It was melancholy to reflect, that the peace establishment never could be so low as it had been, and there was no other mode of providing for it, than by appropriating to it the war taxes. Of these the convoy tax must cease the instant peace took place, and that furnished a strong argument for the absolute necessity of retrenchment. All that he proposed at present to do was, to move his first resolution, and with respect to that, he was free to confess, that he preferred the first resolution of the Chancellor of the Exchequer to his own. He then moved his first resolution to the following purport:—

"That the present arduous situation of public affairs, the increasing weight of taxes, and the deficiency in the revenue, require the utmost economy;" which, being read from the chair,

Mr. Huskisson said, the right honourable gentle-

man had stated the permanent taxes to have fallen off, so as not to be equal to pay the charge of the funded debt. But in this he was mistaken, for last year they had voted 3,000,000*l.* as a surplus of the consolidated fund. The right honourable gentleman had confounded the permanent debt and the consolidated fund: the latter amounted to 36,000,000*l.* and the expenditure to 33,000,000*l.*, which left the surplus above-mentioned. The permanent taxes this year amounted to 30,190,000*l.*, and last year to 31,000,000*l.* That there had been a diminution he would not deny. In the present state of the world, it was impossible every year's amount should be the same. In the article of timber alone, there was a difference in the duties, which amounted to 300,000*l.* As to the convoy duty ceasing with the war, this was not the time to enter upon the question; but it might be matter of consideration, whether some of the articles contained in it might not properly be continued in time of peace. He hoped, therefore, the Committee would not be inclined to admit any desponding apprehension.

Mr. Tierney said, he did not expect the debate would have taken the turn it had. He thought, however, his honourable friend who brought forward these resolutions, had acted very right in drawing the attention of the House to economy. As, however, the honourable gentleman who had just sat down had gone into figures on the occasion, he would beg leave to state a few similar facts from a paper he happened accidentally to have in his pocket, but which he never had an idea till that moment of mentioning on the present occasion. He then went into a detail of the receipt and expenditure, the result of which was, that in April, 1807, the interest of the national debt was 31,615,000*l.* and was now 49,500,000*l.* which must be the lowest sum of the peace establishment; and to meet that we had only 38,400,000*l.*; which would, according to his statement, leave a sum of 11,200,000*l.* and upwards: but, even according to the statement of his honourable friend, it would leave a sum of 8,500,000*l.* and that might be met either by continuing the war taxes, or by a loan, or by raising new taxes; unless recourse were had to the property tax. Even suppose the war taxes to be made perpetual, there must be a deficit of many millions, which must, if peace were to take place to-morrow, be provided for; and we must either make the property

tax perpetual, to the amount of 5 per cent. on income, or else have recourse to a loan.

Lord Milton objected to going into so many collateral statements, as in that case the debate would never have an end.

The Chancellor of the Exchequer said, that as the honourable gentleman had so candidly acknowledged that he preferred his (Mr. Perceval's) resolution to his (Mr. Martin's) own, he hoped he would have adopted it, and not put him to the trouble of negativing the one brought forward in order to move his own, which he read, and which expressed generally,

"That the utmost economy in the expenditure of the public money was at all times highly necessary."

Mr. Martin agreed to withdraw his motion in favour of that of Mr. Perceval.

Mr. Rose requested the attention of the Committee to some observations he had to submit to their consideration. Great pains, he said, had lately been taken out of doors, to make it be believed that no attention had hitherto been paid to the retrenchment of the expenditure of the public money. He begged, however, to shew that the contrary was the case. At the close of the American war, in consequence of Mr. Burke's act, offices had been suppressed, to the amount of 57,000*l.* a year. In Lord Shelburne's short administration, employments had been abolished to the amount of 13,000*l.* a year. By the auditor's act there was an annual saving of 32,000*l.* By an act of Mr. Pitt's, passed in 1788, places were suppressed, amounting to 42,000*l.* a year. In 1790, the wholesalt department was suppressed, amounting to 26,400*l.* and all these in the gift of the treasury; the total of which amounted to 878 offices, and the saving to the public of 233,000*l.* a year. Mr. Pitt had also abolished the *douceurs* to members of Parliament of lottery tickets, which was the custom of the minister in the American war; so that every member who had 10,000*l.* of the lottery received a present of a bank note of 1000*l.* Contracts for cloathing were given to members of Parliament and the ministers friends, which Mr. Pitt also abolished, and was a saving to the public of at least 3 per cent. Another source of influence was the renewal of crown leases, which prevailed till 1794, and which were all made on small rents and low fines. At that time the whole revenue of the crown lands amounted only

to 4000*l.* a year, they now amounted to 63,000*l.* per ann. and by an accurate estimate of the surveyor-general of crown lands, they will soon amount to 400,000*l.* a year. He then mentioned the secret service money at the disposal of the secretaries of the treasury, which in 1725 amounted to 85,000*l.* a year: it was by Mr. Burke's bill limited to 66,000*l.* and was now only 54,000*l.* per annum. The total of all those savings he stated to amount to 1,800,000*l.* which, with the savings on ordnance debentures and lotteries, made altogether a saving of two millions a year at least. In the case of places held by members of Parliament, there was also a great diminution. In 1782 there were 96 places held during pleasure by members of Parliament; at present there were but 38. He then came to compare the state of pensions. He had heard a great deal of good times, but in this respect they were much lessened. He hoped gentlemen would not suppose what he had stated was for the purpose of checking the ardour of gentlemen in the bringing forward resolutions like the present; he had no such intention—in what he had done he was actuated solely by what he thought his duty at the present moment. As to the resolutions, as far as they went, they appeared to him to be unexceptionable.

Mr. Creevey entered into a detail of the report, and remarked particularly on the increase of pensions upon the 4½ per cent. fund during the reign of his present majesty. That fund, which ought to be appropriated to the public service, was dealt out in pensions to Lord Chatham, Mr. Long, Sir Home Popham, &c.

Mr. Rose explained.

Mr. Wilberforce thought the poverty in which Mr. Pitt died was very much to his credit; he was a man who practised virtue most, and made the least display of it; he indeed

"Did good by stealth, and blush'd to find it fame."

Mr. Creevey said, on the king's accession to the throne, the pensions on the 4½ per cent. fund only amounted to 3*l.* 15*s.*; they had since rapidly increased; he condemned the giving political pensions from this fund, which ought to be only appropriated to the salaries of government.

Mr. Long would by no means admit this principle, and it would be found that in the reign of George I. pensions had been given from it to many persons, and among

the rest to Lord Hobart, governor of Jersey. In the reign of George II. it was also applied to such purposes, and in the year 1762, 3000*l.* per annum was given to the late Lord Chatham. It did not come within the spirit of Mr. Burke's act; for Mr. Burke himself expressly stated, in one of his pamphlets, that he had a view only to the civil list, and that he knew of the 4½ per cent. fund, but thought it best to leave that as a reward for merit. The attention of every Committee of finance was turned to the subject, and they all sanctioned the legality of this application.

Sir John Newport said, as Mr. Pitt's economy with respect to England had been so much panegyrized, he wished he had given ground for the same panegyric with respect to Ireland. In that country, the number of pensions which were attempted to be regulated by the civil list act was so great, that a diminution of them was considered as absolutely necessary. This diminution was frustrated by one of his majesty's present cabinet ministers, in a way which the House would be astonished to hear. In 1793, the civil list act was wrung from his vice-royalty, by which it was enacted, that no more than 1200*l.* per annum should be granted in pensions, until the pension list was reduced to 80,000*l.* per annum. This was enacted in the commencement of July, and was not to be enforced till the 25th of the ensuing March. Strange to tell, in the interim Lord Westmoreland absolutely granted 13,000*l.* per annum in pensions! thus giving, in seven months, the amount of ten years allotment. In his vice-royalty, between the years 1790 and 1795, 30,000*l.* per annum was granted in pensions. These were facts to which he wished now to call the attention of the House; and he stated, that it was his intention soon to move for a continuance of the limitation act with respect to Ireland. He hoped that some of the forty or fifty gentlemen who got immense remuneration at the period of the Union would now be placed in some of the boards about to be instituted, and that the country should not be saddled with salaries to additional officers when so many were unemployed who received money.

Mr. Foster denied, that in the vice-royalty alluded to, so much money had been granted in pensions. Deducting the pensions to the Burgh family and to Lord Frederick

Campbell, instead of 13,000*l.* only 4000*l.* would appear to have been given.

Sir *John Newport*, repeated his assertion, which was verified by the returns of the House of Commons, and even expressly deducting the pensions now mentioned, 18000*l.* annually would be found to have been granted.

Lord Milton and Mr. Long severally explained.

Mr. *Whitbread* declared it was not his intention to enter into the former details of the debate. He was very ready to confess that Mr. Pitt had laid many perspicuous financial statements before the House, and believed it to be his object, at one period, to attain the utmost perfection he could in the science of finance. Whether he deviated from that determination since the year 1793, it was for the House to judge. He certainly failed in some of his calculations, and gave, as an instance, his prophecy in the year to which he alluded, that we would have a fifteen years' peace. While he paid every tribute to the disinterestedness of his private life, and praised the poverty in which he died, still he must say that the war was carried on with the utmost prodigality. In the barrack department alone the extravagance was amazing. He did not intend to enter into the disputed question, as to the four and a half per cent. fund, but yet he thought both the right honourable gentleman opposite (Mr. Long) and Mr. Burke himself most incompetent judges upon the subject, because they were themselves renters from that very fund. The corruptions of former times had been very much dwelt upon in contradistinction to the purity of the present; and much allusion had been made to the degradation of that House, at an early period, when bribery was common, and doles were dealt out to the members. Now he had no doubt, even in those corrupt days, when reform and retrenchment were proposed, a loud outcry was raised on the occasion, and the integrity of contractors, &c. vaunted. Much, it was said, had been corrected since; but much, he contended, had been left behind to correct; many branches of expenditure to be retrenched, and much extravagance to be curtailed. Now, because some men were pure, it was not necessarily to be inferred that all were so, and though he was of course inclined to pay the highest compliment to the patriotic forbearance of the right honourable gentleman opposite (Mr. Rose), still he was not sure that every one else de-

served the same eulogium. The right honourable gentleman had touched, indeed, but slightly on the subject of the barrack board, that great source of public extravagance, and still less on the abuses of the transport board, where such vast sums of money were so unnecessarily squandered. [Mr. W. Pole said across the table, he did not believe it.] The honourable gentleman was welcome not to believe it if he chose, but he believed it, and thought it was a question even whether that board ought to be allowed to exist at all or not. Some time since a noble lord, whose gallant and patriotic achievements were the theme of every man's panegyric (Lord Cochrane), stated that the number of pensions, &c. to members in that House, was too great; the third report was the consequence of that assertion. Now he had no difficulty in stating, the number of those influenced by the crown in that House, was by far too great. He certainly did not mean to say that no officer of the crown should sit in that House, but he thought the error too much on the other side. There were, for instance, the lords of the treasury, who, indeed, were generally silent in the House: the secretaries of the treasury also: of one of these gentlemen he did not mean to speak otherwise than in panegyric, for his close and accurate habits of business, but the other was absolutely a mute. The lords of the admiralty, perhaps, also ought to be excluded, but to the liveliness of one of them, he must pay his tribute. One person perhaps connected with the board of controul was requisite in the House. Of its president he could not speak, for he was at present so full of his Irish affairs, that in fact the office was vacant. Those officers were understood to act gratuitously on their first appointment, but that idea was soon done away, and Lord Melville received much before he was created treasurer of the navy, and then created two new offices for the education of young statesmen under him. It was not exactly conformable to Mr. Pitt's practice, for young men who were but a few years in office to take pensions for life. He did not wish to speak of living persons, but he must be excused for the allusion, as so many were mentioned in the report. In order to bring the question concerning so many officers of the crown sitting in Parliament, he would move, as an amendment, "that a further limitation should be provided to persons in that House holding places of trust, emolument,

&c." With respect to the exclusion of the Welsh judges, he left that open as a matter of discussion.

The Chancellor of the Exchequer considered this as a most aristocratic principle: it would throw the offices of the crown into the hands of those who could, from their property, very well dispense with their salaries. He opposed to the theory of the honourable gentleman the constant practice of that House, and contended, that at all periods it proved the best bulwark of the liberties of the people, which plainly proved the fallacy of the argument which went to deny that it could be uninfluenced while officers of the crown had a seat in it; for officers of the crown had always sat in it. The exclusion of magistrates of all descriptions in his opinion, might be as well demanded as that of the Welsh judges; for they never exercised their judicial situation except on circuit. He declared it his intention to give his utmost opposition to the amendment.

Mr. W. Smith argued in favour of the amendment.

Mr. Ponsonby was of opinion that the resolution of his honourable friend was most important in itself, and of the greatest moment to the constitution of the country. For his own part, he was inclined to the amendment of his honourable friend, and if it was to be pushed to a decision, should vote for it. But he wished to submit it to his honourable friend, whether it would not be desirable for him to adopt the same course, respecting his amendment, which had been pursued with respect to the former resolutions, namely, to suffer it to lie on the table for a few days, in order to allow gentlemen an opportunity of considering its contents. The question was one of great moment and delicacy, and required to be looked at gravely, with a due regard to the constitution of this empire. Nothing could be so hostile to the existence of union and tranquillity, as the division of the legislature into three estates, unless they were duly balanced: but the great perfection of the constitution of this country was, that no class of the community was excluded from its just share in the deliberations of the state. Many bills have been passed with a view to prevent abuses; but the present, if any, deserved the peculiar attention of that House. If he were to be called upon to give a vote on the present question, he would support the amendment of his honourable friend, though he should be much better

pleased, if his honourable friend would consent to put off the question for a few days, as had been done when the resolutions were at first proposed, in order to give this House an opportunity of comparing the amendment with these resolutions.

Mr. Lyttleton concurred in the suggestion of his right honourable friend, and recommended to the Committee to defer the further consideration of the subject until both the amendment and the original resolution should be in the hands of gentlemen.

Lord Folkestone was ready to enter into the discussion of the question at that moment, and would vote for the amendment, though he had no hesitation to accede to the suggestion of putting off the discussion to another occasion. He could not, however, avoid saying, that the object of all former times had been to curtail the influence of the crown, and to prevent placemen from having seats in that House.

Mr. Ponsonby explained.

Mr. Whitbread, though he wished for a decision upon the subjects of his amendment, had yet no objection to put off the final discussion to a future day. He saw no reason, why chief justices should be made peers, nor why Welsh judges should be allowed to become members of that House. Neither could he admit, that, because a person abandoned his profession, he should have a provision for life made for him for having abandoned it. He was ever ready to admit that a person, who may have been worn out in the service of his country, ought to be adequately provided for; but he contended that no such extravagant compensation, as had been given to Mr. M'Donald for quitting his profession to become a commissioner of American property, ought, under any such circumstances, to be granted. Such grants were contrary to the plans of Mr. Burke, Mr. Pitt, and Lord Shelburne. The increase of the influence of the crown would be obvious, when it was considered how much the army, the navy, and every other branch of the public expenditure had been augmented. He had no objection to suffer his amendment to lie on the table for a few days, or to withdraw it altogether, with a view to bring it forward as a separate motion on Thursday next.

Mr. Wellesley Pole rose to explain a statement in the supplement to the third report, which concerned him.

When Lord Wellesley went to India, it was thought advisable to insert the honourable member's name in the patent of the office of remembrancer of the exchequer, in case the office should become vacant while Lord Wellesley was absent; but the honourable member reaped no emolument whatever from this arrangement, and was very much surprized to find his name mentioned in the supplement to the third report in rather an ambiguous manner. This mistake did not originate with the Chancellor of the Exchequer; and the honourable gentleman had indeed made a statement to the Committee, disclaiming the receipt of any emolument in consequence of the arrangement the honourable member had explained.

Mr. Henry Thornton replied, that the honourable member's name was introduced into the report in a manner that was perfectly unambiguous; for in one passage, after giving the honourable member's name, it expressly stated, that the profits were understood to belong only to Lord Wellesley; and in another, after giving the honourable member's name conjointly with that of Lord Wellesley, it was added, that the profits were supposed to belong to Lord Wellesley.

The first resolution was then read, and carried without a division.

Mr. D. Giddy then left the chair, and reported progress to the House. The report ordered to be taken into further consideration on Thursday next.

Adjourned.

HOUSE OF LORDS.

SATURDAY, JUNE 3.

The royal assent was given, by commission, to the loan bill, the life annuities amendment bill, the Irish militia completion bill, the American trade bill, the Martinique trade bill, the Irish beer bill, the printers' indemnity bill, the Vauxhall bridge bill, and other bills; in all, public and private, 51.

The commissioners were, the Archbishop of Canterbury the Lord Chancellor, and Lord Walsingham.

HOUSE OF COMMONS.

SATURDAY, JUNE 3.

The Speaker having attended in the House of Lords in

consequence of a requisition to that effect by Mr. Quarme, deputy usher of the black rod, on his return informed the House, that he had heard the royal assent given by a commission to a number of public and private bills (for which see the Lords).

The report of the Committee imposing a duty of three-pence per lb. on all coffee imported from his majesty's settlements in Africa, was brought up, the resolution was agreed to, and a bill ordered to be brought in agreeably thereto.

The report of the Irish distillery bill was received, and the bill ordered to be read a third time on Tuesday.

In a Committee on the Irish revenue regulation bill,

Sir John Newport introduced a clause for preventing revenue officers from accepting fees or bribes. The clause went to impose a penalty to the amount of three times the sum so to be received, and also to declare the person so receiving it incapable in future of holding any office, civil or military, under government.

Mr. Foster also introduced a clause authorizing the Committee appointed to grant compensation for offices abolished in Ireland, to estimate the compensation to be allowed to persons holding patent places in the customs and excise, the emoluments of which formerly arose from fees and perquisites.

These clauses were agreed to, and the report was ordered to be received on Tuesday.

The Irish customs bill, Irish spirits bill, and Irish post roads bill, were severally read a third time and passed.

Adjourned.

HOUSE OF LORDS.

TUESDAY, JUNE 6.

Several bills were brought up from the Commons; among others, the insolvent debtors bill, and the vote of credit bill.

On the question for the second reading of the bill for extending the Faversham jurisdiction for the recovery of small debts to the hundred, and constituting the Faversham jurats judges, in common with the hundred,

Lord Ellenborough stated various forcible objections to the measure. His lordship said, that his time had been particularly broken in upon by applications from parties

respecting such bills as those, which were generally the offspring of self-interest, and originated with some attorneys, in particular neighbourhoods. Under the pretence of cheap justice, they were in their effects nothing but cheap injustice to the country. After stating many other sufficient grounds for rejecting the bill, his lordship said, that he had come to oppose this bill, to mark his disapprobation of such partial and ineffective, and too often injurious measures. The ancient county courts yet remained open to suitors; and he was happy to say, that a noble and learned lord had an intention of bringing forward a measure which contained no partial application, but was directed to this subject in such a way as to embrace the country at large.

The Lord Chancellor made some observations on the subject, in which he coincided with the last speaker, as did the Earl of Moira, who instanced some cases in the Tower Hamlets.

Lord Redesdale, after supporting the arguments of the other noble lords on the present question, then stated, that he had it in intention to bring before their lordships, in the next session, a bill for carrying county courts into full effect throughout England. He wished also then to state, that he had two other bills in view to bring before their lordships next session. The first was to raise the sum on which writs of arrests took place, to an amount higher than it was at present, which was ten pounds. The object of the other was to endeavour to apply, as far as it was practicable, that principle which had been acted upon in the laws of Scotland, and in the commercial country of Holland, to the insolvency laws of this land. He meant the principle of the *Cessio Bonorum*. He could not state exactly the mode he would pursue; but, perhaps, it might be, by a sort of perpetual insolvency bill, as far as he could make it practicable.

The Earl of Moira rose and said, that there was nothing that could have given him greater satisfaction, than the notice here given by the noble and learned lord, for which he sincerely thanked him; and he trusted that his application to that subject would meet with the approbation of that House and the country.

SCOTS JUDICATURE.

The Lord Chancellor moved the third reading of the

bill to afford farther time, (till November next) for the commissioners to report upon the Scots judicature.

Earl Stanhope spoke at length upon this subject, and entered into all the principles and details of the proposed measure. He complimented his noble and learned relative (Lord Grenville), (learned, he called him, because he had studied the laws of the country, and because he was once in the learned profession) for his manly and just attempts to give the Scotch the benefit of the trial by jury. He thought it was very difficult to shew that the Scotch people should not have that benefit; they were in fact better educated than the people of this country, with the exception of certain districts, and more likely to be fit, good, and true jurymen. If it was argued that they were not so fit to receive that blessing as the people of England; that would not do, for the argument must be pushed farther, and it must be maintained that they were more unfit than the people of England were hundreds of years ago: and what was the state of the people of England three hundred years ago? Why, their lordships might forget, that about that time, in the reign of our Edwards, there was a particular application of an old privilege of ours, he meant the benefit of clergy, rather of a curious sort. The benefit of clergy was at first, intended only for those who could read: afterwards, it was farther extended to other persons of rank and situation; and it was then enacted, that it should extend to all their lordships, to all peers of parliament, temporal and spiritual too; that is to say, to my lords the bishops, as well as to lay lords. Now, it was enacted by that statute, (of which he read a quotation) that any temporal lord, or any bishop, guilty of highway robbery, or house-breaking, or horse-stealing, might plead the benefit of clergy. *(A laugh.)* Such was the state of our forefathers. And yet, at that time of ignorance, it was not thought improper to entrust common people with the rights, duties, and privileges of jurymen. And if we in the dark days of ignorance were fit to be so entrusted, could it be argued that the shrewd and knowing people of Scotland were unfit to be entrusted, in this enlightened century, with a similar right? It was impossible to maintain that argument. His lordship then entered into a variety of modes by which the desired object might be gradually accomplished, and pointed out the means afforded by the difference of special and general verdicts, and by the facilities that might be given to the

court in the first instance of making the verdict special or general. He likewise dwelt for some time with much ingenuity of remark upon the alteration in the forms upon which issues depended in cases of trial. He also made many observations as to the mode of deciding by precedents. If for instance there were 21 precedents, a judge must decide by considering the first, second, and third precedent, and so on to the end of the chapter, and then find out which were the best precedents, or the most numerous ones, in order to make up his principle of decision. In some cases, as in the law about "powers," he had counted about sixteen hundred precedents. Well; if a judge had to decide in such a case, what could he do? Why, perhaps he might be some great legal chymist who could speedily decompound and analyze all these different precedents, and ascertain all their various qualities, and extract all their particular juices, and out of them all compound a fine pulp, of which he would make a most excellent principle to guide him in his decision. But this was not sure work. He declared himself friendly to the introduction of jury trial in Scotland; but unless his noble relation had any thing to move immediately on this subject, he should be obliged to give the commissioners a little more time, though he thought there was no reason for unnecessary delay.

Lord Grenville reviewed the great delays that had occurred in this business, which had been originally proposed by him in June, 1806, and which had been put aside on the change of administration, when parliament was dissolved without being suffered to do any more than to undo what was proposed on behalf of the people of Scotland. That system of procrastination was sedulously pursued, till at last a commission was appointed, nominated by the crown, near the close of last session, and now, instead of their labours, we had one report, and a motion to give them another twelvemonth to consider what they would do. A bill was brought in, without notice, (and he did not know of it till within 24 hours of one of its most important stages,) to extend their time. This he had and would reprobate. A noble and learned lord (Erskine), knew nothing of it, though one of the commission, till he meeting him, told him of the circumstance. He contended at great length on the propriety of Parliament acting for itself, and not acting on the opinion of the Scotch judges, who could not be supposed to be favourable to the intro-

duction of a jury, which was a species of popular control on their authority. Still he did not mean to speak with disrespect of those judges; but he had found that no man would deny that the alterations wished for were most desirable. The application of the principle, he had never denied, involved many difficulties; but the question of form must be sacrificed to the essential merits of the measure. He then, while he admitted every thing in favour of the commissioners individually, condemned them for their conduct in some particulars. There was one circumstance most important, to which he begged their lordships' attention. The report itself admitted the evil; but by an assumption of the strangest kind, assumed a power which the act of parliament never gave them. The warrant in the sign manual he had never seen, but must suppose it was worded according to the act. He must remark, that though the act passed on the second of July, yet the sign manual only bore the date of the 2d of November, and the instrument was not received in Scotland till the 20th of November; that made him incline how to afford the commissioners farther time. But he must ask the noble and learned lord, whose official situation made him particularly looked at in this matter, why that delay occurred? The report noticed that gross and scandalous anomaly in judicial proceedings by which persons who had obtained the sentence of the court of session were yet, before they could obtain the consequent advantages, compelled to get a copy of the sentence, or, as it was in Scotland legally expressed, "an extract of the decreet." He had much information on that point. In one case, that copy cost an individual 1200 pounds, and in another case, where the whole property in question was from 500*l.* to 600*l.* the charge for such copy was above 300*l.* *(Hear!)* Was it fit that such monstrous abuses of courts of justice should exist a moment longer? Was it not a standing disgrace to the country, if we permitted their existence a moment longer, after the developement of the facts by a report of the commissioners? And yet these commissioners elected themselves into a committee of supply, and did that thing which nothing could be more unconstitutional and dangerous? They said, that while they stated the evil, they waited till a compensation was arranged for the clerks, and other persons who received fees out of these monstrous and horrible charges. Would any noble lord say, that the commissioners had any thing to do with this part of

subject? Were they appointed (appointed as they were by the crown) to enter into the consideration, far less to settle the arrangements of the burthens that were to be borne by the public? No! it was that House, and the other House of Parliament especially, that were to consider of the demand of compensation by money to any person who might be injured by any regulation beneficial to the community. He protested nevertheless, and was sure that no one would propose or support any thing that could go to destroy the means of individual subsistence, and to take from him that to which he had been legally accustomed to look for his support or his comforts; but surely their lordships could not refuse to pass, at this (as he understood) late period of the sessions, a bill to remove this flagrant and crying evil. He had drawn up a bill on the subject, which he meant to offer to their lordships. Suppose any person placed in a situation similar to those he had described, between the present time and that to which the existence of the commissioners was to be protracted, would he not have reason to condemn their lordships for the hardship and injustice he suffered, through their lordships' supineness, after the acknowledgement contained in the report they had received? His lordship concluded, after many observations on the administration of justice, and the abuses that had, by length of time, crept into it, by pressing the importance of the present subject.

The Lord Chancellor remarked on many of the points of the last speech. He denied that he had any intention of taking the House by surprize in his bill to extend the duration of the commissioners, and appealed to a noble and learned lord (Lord Erskine) who had just come in, for his opinion on that subject with respect to his motives. He felt that there were many difficulties in the present question. As to delay, there was some time required in Scotland to arrange the courts, in consequence of the last bill, enacting a new division of them; besides, there was a circuit in Scotland as well as here. He had selected the commissioners from the judges both here and there, from advocates, special pleaders, writers of the signet, and others, the best qualified to give advice and information. He maintained there was no particular delay, and asserted his original opinion that the first bill (Lord Grenville's) was not founded or recommended upon sufficient information respecting the laws and practice of the courts of Scotland.

Lord Erskine spoke with much argument and eloquence

in defence of the original bill of Lord Grenville. He admitted that he had not attended the commission, and he said that he did not see what great good he could do in that commission. He considered the forms of trial in Scotland as not easily to be adapted to jury trial, and he thought that in such a case, we should sacrifice these forms, notwithstanding their antiquity, to the great advantages to be derived from trial by jury, which he thought to be the only way in which his native country could experience the best blessings of justice. He adverted to the numerous appeals from Scotland, on which it was almost impossible to do justice in that House. Indeed it was almost a standing disgrace to the laws and to the House. He cast no personal reflections. The marvel was, how the business was got through. When he had the honour for a short time to preside in the court of Chancery, and in that House, he had stated that to be his opinion. But he did not think the opinion of the Scots judges, on whom he passed a high eulogium and tribute of praise, to be the best ground-work on which their lordships could form their judgments. The jury were a popular controul on the judge; and the introduction of it might not be palatable. If a man went into the New Forest, and called the animals there together, and asked them how they liked saddles and bridles, it was pretty likely that, if they had the power of speech, they would give their opinion against any such innovation.

Lord Redesdale spoke for some time, and objected to the extent of the proposed introduction of jury trial with Scotland. In some respects he thought jury trial objectionable, as in the case of an action in a bond, in which, and other cases, he thought the law of Scotland wiser than our own. His lordship defended the conduct of the commissioners, and stated his opinion, that the original bill was introduced without sufficient knowledge or information respecting the Scots laws.

The bill was then read a third time.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, JUNE 6.

Mr. Butler presented a petition from certain freeholders of the county of Essex, against the bill for enabling the

judges to try civil causes in their own counties.—Ordered to lie on the table.

The insolvent debtor's bill was read a third time and passed.

Mr. Huskisson presented the bill for granting to his majesty a certain sum from the consolidated fund, for increasing the salaries of the judges. It was read the first time, and ordered for the second reading the next day.

The Irish and British spirit intercourse suspension bill was read the third time.

Mr. Nolan was heard at considerable length, as counsel on the part of the Irish distillers, against the bill, as a direct violation of the Union act; and complaining that the intercourse hitherto operated most unfavourably against the Irish distiller in his own market, in favour of the Scotch distiller, by allowing him a drawback on his spirits exported into Ireland of 2*s*. 5*d*. per gallon more than the duty, &c. actually paid in Scotland, giving him so much premium over the Irish distiller in his own market, to the great injury of the revenue.

Sir John Newport spoke shortly to the same effect.

Mr. Foster admitted that the principles of the Union ought to be kept sacred in every respect; and that the regulations stipulated on this point, having been fully discussed and settled at the Union, they were not liable to be again weighed retrospectively. The fact, however, was, that although the principles of the Union act were clear, the schedules under it were confused. The advantage which the Scotch distiller had over the Irish one, even in his own market, as described by the honourable baronet, he fully understood and admitted; but he lamented, that at this late period of the session, it was not practicable to come to so full a discussion as to settle all differences upon the point. It was therefore deemed better, as the lesser evil, to suspend the intercourse altogether until the next session of parliament, when there would be ample time for satisfactory adjustment.

Mr. Grattan thought it better for the intercourse to go on as it was, even with the disadvantage against the Irish distiller in favour of the Scotch one, than deprive both of all mutual advantage from the intercourse; and this, he said, was the wish of Irish distillers.

Mr. Hutchinson spoke against the bill.

The Chancellor of the Exchequer supported the argument of Mr. Foster.

Upon the question, "that the bill do pass," the House divided,

Ayes, 74—Noes, 13—Majority for the bill, 61.

The bill was then passed and ordered to the Lords.

A message from the Lords informed the House, that their lordships had agreed to the Irish treasury bills bill, the Irish paper duty bill, the Irish militia completion bill, and several private bills, without any amendments.

SEATS IN PARLIAMENT BILL.

The House resolved itself into a Committee on Mr. Curwen's bill.

The Chancellor of the Exchequer rose to move an amendment in the clause respecting the giving of money or offices for the procuring of seats in Parliament. As to the first part, which related to money being given for seats, he had no objection to the wording of the clause which mentioned "any contract or agreement, express or implied, to pay money." He did not object to that, because it was a thing which was not difficult to be ascertained. He objected, however, to the words "express or implied," as relating to the grant of offices; and the reason he objected to it was, the great difficulty of ascertaining what should be considered an implied agreement. As to the offices, they must necessarily be granted to somebody or other, or the business of the state could not go on. If then any of those offices were given to a person who had been useful, or who might hereafter be useful at an election, a jury would be puzzled when to pronounce that it was an implied agreement, or that it was not. It appeared to him that it was a very strong ground of difference that offices must be given to somebody, and therefore might honestly and properly be given to persons who were electors, whereas money given, or promised to be given, from the pocket of the candidate, could hardly be conceived to be given with any other idea than that of obtaining a corrupt influence. He had objected, at first, to that part which not only vacated the seat of a member, but exposed him to a trial for a misdemeanor, as he conceived, that if the misdemeanor was proved before a court or a jury, the verdict would, in fact, determine the seat. He had waved, however, his

objections on this head; but when it was considered what very severe punishments attached by this bill to every person convicted of giving or receiving those improper considerations, (the member elected was immediately to vacate his seat, and be subject to a penalty, he thought in a law so penal, the offence, at least, should be perfectly defined. He thought that as to giving money, that could be so easily brought to proof, that he had no objection to the clause as it originally stood; but as far as respected offices, for the reasons he had already given, he could not agree to it. He concluded by moving an amendment, which was in substance, that the words "or implied" should be left out in that part which related to giving offices.

Mr. Wynne was in favour of the clause.

Mr. Spencer Stanhope thought it would be very hard that he should suffer if another person, "on his behalf," but without his knowledge, made a bargain of this sort.

Mr. Tierney could not perceive the necessity of the distinction between the giving money and the giving an office for the same object. If the clause were to be amended in the manner proposed by the right honourable gentleman, the public would suppose that the House was much more anxious to protect the power of giving offices for seats in Parliament, than of giving money. At present the House were only sitting in Committee to make the bill as unobjectionable as possible, and it was well understood that after it had gone through the Committee, there would be a serious opposition to it upon the report. Now he, for his part, although very anxious that the bill should pass, would really not know how to defend it when it came under discussion, if this most important clause were altered in the manner proposed by the right honourable gentleman. It would seem as if the influence of the treasury were to be protected at all events. He thought that the words used in another act of Parliament, "for his own profit, benefit, promotion, or preferment," would do well enough in the present instance. He did not think the words "expressed or implied" were so necessary as they appeared to some gentlemen. He should rather have them left out in both cases than applied to one, and not to the other.

The Chancellor of the Exchequer said, that he, on the

contrary, would rather that they should be applied to both cases, and that the original clause should stand, than that those words should be entirely left out. He again called the attention of the Committee to the very heavy punishments which this bill inflicted on the givers and receivers of money or offices; and for the reasons he had before given, had no objection to the penalties attaching where it could be proved that there was any specific agreement to give an office for the purpose of obtaining a seat; but he thought it too much that a very severe penalty should attach on merely an implied contract. It was hard to say what slight circumstances might induce a jury to believe that a contract was implied, whenever an office was given to any person who was an elector. The giving money to an elector was, however, a very different thing; and the motive could not be so easily misunderstood.

Mr. Tierney said all these circumstances might be submitted to a jury, and if that tribunal was not sufficient to determine whether such a matter was corrupt or not, he was at a loss to know how it was to be determined.

Mr. Ponsonby objected to the distinction between "express or implied;" he had no idea of leaving it to a penalty; it must be a misdemeanour or nothing.

Lord H. Petty thought the bill would have no effect, if the word "implied" were left out—"implied" was as capable of being reduced to a point as well as "express," and a jury were fully competent to try one as the other.

Mr. C. Wynne expressed himself to the same effect.

Mr. Davies Giddy thought there might be a legitimate and honourable application of money to procure a seat in Parliament. He was decidedly against the principle of the bill, and in spite of prejudices he could not but distinguish between corruption and influence. No government could have stability without influence, which, if properly exerted, was the palladium of the English constitution.

Sir T. Turton expressed his astonishment that any gentleman could entertain an idea of a legitimate and honourable application of money to procure a seat in Parliament. He did not, however, understand what was meant by an implied agreement in a vicious contract, and he saw no difference why a jury should not say, whether an office was or was not given corruptly as well as money.

The object of the bill was to prevent the sale of seats in Parliament, and if it was carried, it would be an immortal honour to the Parliament that passed it. He thought the best way would be to leave out both the words "express and implied."

Mr. Adam thought the bill in its original state better than at that moment. They ought to leave the operation of the law on the word agreement, which was perfectly understood, whether tried by a Committee of that House or by a jury.

Mr. Curwen said, he would wish to leave out both the words "express" and "implied."

Sir J. Anstruther thought this clause was meeting an evil in the way in which it did not exist. If they added to the penalty by making it heavier, or by making it a forfeiture of the office, he thought it would do.

The Chancellor of the Exchequer said, that leaving out the words "express," or "implied," might relieve the debate on that clause; but he must insist on the word "express" being in the other clause respecting offices.

Mr. Curwen moved as an amendment, that the member proved guilty of corruptly procuring his election, should not only be disqualified from sitting in Parliament for the particular place where the act was committed, but that he should be excluded from the whole of that Parliament.

After a discussion of considerable length, in which the amendment was supported by Messrs. Tierney, Wynne, Whitbread, Lord Porchester, Mr. Lyttleton, Mr. Adam, Mr. W. Smith, and Lord H. Petty, and opposed by the Chancellor of the Exchequer, Mr. Hawkins Browne, the Solicitor General, and Mr. Abbot, a division took place,

For the amendment - - -	60
Against it - - - - - - -	81
Majority - - - - - -	21

On the clause respecting the oath,

Mr. Tierney expressed his opinion that some oath was necessary, but objected to the original oath in the bill as being to abstract, and not going into detail. He then proposed an amendment, an oath, specifying more particularly the abjurations.

The Chancellor of the Exchequer contended that all

the objections to which the former oath was liable, weighed equally against the one now proposed.

Mr. Tierney denied that this oath would be conscientiously taken by any one who had contracted for his seat.

Mr. Ponsonby defended the amended oath, and remarked that the Chancellor of the Exchequer, though he blamed all other oaths, proposed none of his own.

Mr. Curwen argued in favour of some oath, but still thought, even if the oath was left out, that by this measure a seed was sown, whose beneficial fruits would be extensive.

Mr. Wilberforce contended for the necessity of an oath, but did not wish one to be included in the bill, unless the penalties of perjury were attached to it.

Mr. Tierney had no objection that the penalties of perjury should be attached to the oath. The only reason why he did not introduce them was, that, in examining the statute book, he could not observe them included in any oath which went into detail.

Lord Milton supported the necessity of an oath, and the propriety of attaching penalties to it. He thought the amended oath proposed much less applicable than the original one.

Mr. Canning contended for the original oath; he denied that the amended oath could be taken by any member, because it made a man swear that he had not been returned by the expenditure of any sum of money; this was impossible, because legal expences might be included under it. He did not think the penalties of perjury should now, for the first time, be introduced into an oath of detail.

Mr. Rose asked what situation a member would be in, who, after he had taken the oath, should be declared to have been guilty of bribery by a Committee of the House? Would not this go a great way to convict him of perjury?

Sir James Hall spoke against the oath.

Sir Thomas Turton said, that the people of England would think the person who could not take this oath guilty of bribery; and that the legal expenses between which and bribery the right honourable gentleman (Mr. Canning) could not distinguish, were such as a man might be arrested for if he did not pay.

Mr. Rose said, that if the honourable baronet were to open all the houses in the Borough, he might be arrested for the reckonings.

Sir T. Turton said he had never done so, and should not, although the right honourable gentleman had set him the example. (*Hear, hear, hear!*)

Mr. Abbott had stated, when he was indulged with the hearing of the Committee on a former occasion, his wish for a proper oath, and his coincidence in the opinion of Sir William Blackstone; but he, at the same time, stated, that the oath was not indispensable, and, if there was much diversity of opinion on the subject, it would be better not to insist upon it. It was of so much importance to obtain the recognition of the House to a bill with the principles of the present, that he should be sorry to lay this, or any other difficulty in the way that might endanger its passage through the House.

Mr. Henry Thornton thought, that if the words "contrary to the meaning of this act," were inserted, and the penalties of perjury forborn, the objections to the oath would be removed.

Sir T. Turton begged to state an amendment he should propose when the present was disposed of, to the effect that the member had not, nor had any person for him purchased his seat.

Lord Porchester objected to any oath referential to an act of Parliament.

The House was then cleared for a division; but no division took place, and the Committee reported progress, and asked leave to sit again the next day.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JUNE 7.

The Irish militia families bill, the local militia amendment bill, and the Irish militia pay bill, were read a third time and passed.

A long conversation took place on the Manchester water works bill, the result of which was, to recommit it, for the purpose of ascertaining whether the standing orders of the House had been violated.

The bill for preventing wanton and malicious cruelty to animals passed through a Committee, with amendments, and after some observations from Earl Stanhope, Lords Redesdale and Erskine, the report was ordered to be received the next day

FINANCE.

The order of the day for the third reading of the loan interest charge bill.

Lord Viscount Sidmouth rose to make some observations, which, from a regard to the convenience of others, he had reluctantly deferred till the present stage of the bill.

It had indeed, he said, been painful to him to refrain so long from expressing the feelings of astonishment and alarm with which he contemplated the enormous amount of our expenditure, and the delusive and improvident means by which it was to be defrayed. The amount, exceeding by about five millions that of the last year, and by more than nine millions that of the year 1807, far surpassed whatever the exaggerations of the timid or the factious had at any period foreboded; and the means of defraying it, by taking one million from the war taxes for the purpose of supplying the interest of the loan, were directly at variance with the system of financial policy adopted by Parliament at the renewal of the war, and most injurious in their tendency to the future prospects of the country.

The contest in which we were engaged was evidently one of indefinite duration. To this view of it, founded on the circumstances under which it took place, and on the boundless ambition, and known character of the ruler of France, he had endeavoured in the years 1803 and 1804, to adapt our expenditure, and the system by which it was to be provided for. The former, though complained of at the time, as being restricted within the limits of a too rigid economy, had nevertheless been found fully sufficient, not only for the purpose of complete domestic security, but for more extensive foreign conquests, than had ever been made in the first year of any former war: and the latter, the objects of which were to prevent, by the operation of the sinking fund, combined with the imposition of war taxes to an unexampled amount, any considerable addition to the public debt, or permanent taxes, was carried into immediate effect by the firmness of Parliament, seconded by the ardent zeal and fortitude of the people. The conviction had become universal, that the renewal of war was solely occasioned by the restless and insatiable ambition of the enemy, and accordingly the truth of what was said by Mr. Burke, that

the pecuniary means of a country, which were accessible by taxation, consisted not merely of what it possessed, but of what it would consent to pay, was never more completely illustrated than at that memorable period. War taxes, to the amount of upwards of twelve millions, were imposed by Parliament with little or no opposition in either House, and submitted to without complaint by the people; although an addition of near one hundred millions to the public debt, and of near five millions to the permanent taxes, had been made in the year 1802, for the purposes of funding the sum, for which the income tax had been mortgaged, and of winding up the arrears of the war. That this system was eminently successful, was manifest from the fact, that, with a loan of ten millions only, the provision for the first year of the war proved not only adequate to its expenditure, but, as appeared from a resolution passed by the House of Commons after he had quitted office, to be also sufficient (supposing the war had then terminated) to liquidate the whole of the funded and unfunded debt incurred during that year, and to leave a surplus of upwards of two millions to the disposal of Parliament.

In the subsequent year (1804) the loan was for no more than ten millions: but as an increase of expense had taken place, he had proposed, and Parliament had adopted, the measure of adding one million to the war taxes; a measure directly opposite to that of the present year, by which, even under the pressure of increased expenditure, one million was to be withdrawn from that fund. The great object he had in view was, to arrive at the point where the sum borrowed would be balanced by the sum to be redeemed in the same year; after which, if there was no additional expenditure, the public service would be carried on with a diminishing instead of an increasing debt. It was however at that time, and continued to be his decided opinion, that, if an addition to the expenditure became necessary, it ought to be provided for by an addition to the revenue, so that the great object of preventing a permanent accumulation for debt might be effectually accomplished. He acknowledged it to be also his opinion, that, when the sum borrowed could, by the amount of war taxes, be brought within the limits of the sum redeemed, it would be warrantable and wise to leave the interests of the sum annually paid off to the disposal

of Parliament. This would nearly fix the limits of taxation during war, as no more would be required from that source, than the comparatively small charge, under the provisions of the act of 1792, of one per cent. on the loan for the service of the year. Thus would the people find an immediate reward for their privations and sacrifices, in the accomplishment of the important object of having enabled their country to maintain the great contest in which it was engaged, with a diminishing debt, and with little or no addition to the public burthens.

The arrival, however, at this splendid and impregnable situation of financial security, which he was firmly convinced might have been attained, had, to say the least, been unfortunately retarded by the great increase of expenditure which took place after the period to which he had particularly referred. The amount of the loan for the year 1805 was twenty millions, and the addition made at that time to the war taxes, consisted of 1½ per cent. on the property tax, which addition was not taken at more than 1,140,000*l*. This provision was so inadequate to the increase of the expenditure, that the noble lords who succeeded to the offices of first lord of the treasury, and Chancellor of the Exchequer, in 1806, had the wisdom and fortitude to propose an immediate addition to the war taxes of near six millions; but, after having successfully laboured to reduce the public expences, (and those who know the difference between prevention and retrenchment would not be surprized that the reduction was not greater,) they found the amount still so large, and the pressure of taxes recently imposed so burthensome, as to afford them no hope of carrying into full effect the system which had been adopted at the commencement of the war.

The plan, however, to which they had recourse appeared to be the best that circumstances would admit of, and it was marked by the decided approbation of Parliament and the public. According to this plan the expenditure of each year, exclusive of subsidies, being estimated at thirty-two millions beyond the surplus of the consolidated fund, and the produce of the annual taxes, the war taxes, which were computed at twenty-one millions, were to supply not only the interest, but a sinking fund, for the loan of each year, the capital of which would, at any probable price of stocks, be redeemed within fourteen years. Without entering further into the particulars of

this plan, he would observe, that it contained principles of the utmost importance, of which the project of the present year was wholly destitute; he meant those of redemption, renovation, and permanency: that it was founded upon a correct view of the nature of the contest in which we were engaged, as it derived from the concurrent aid of the sinking fund, and the war taxes, the means of carrying it on for an indefinite period, upon the scale of expense that had been stated, without any permanent increase of debt, or any immediate addition to the permanent taxes, and with a comparatively small addition to them at a future period: and that the conduct of those by whom it had been brought forward afforded a striking and creditable contrast to that of his majesty's present ministers, inasmuch as the former had considerably diminished the public expenditure, and increased the income, and the latter had diminished the income, and enormously increased the expenditure. He must also observe, that by the transfer of war taxes from their destined purpose to that of defraying the interest of the loan, the people were deluded into a disregard of a profuse expenditure by the appearance of being spared the pressure of additional burthens; whereas the effect of the transfer was to render those perpetual, which would otherwise have ceased with the war, and to create the necessity of borrowing an additional million, the interest of which must be provided for by fresh taxes. To Parliament the measure could not be deemed respectful, inasmuch as, without an alleged necessity, it was a departure from a system which the legislature had deliberately sanctioned, and approved; to the country it was degrading, as it either called in question its means and resources, or the spirit and loyalty of the people: but above all, it was most mischievous in its tendency, as it could not fail to animate the hopes, and encourage the perseverance of the enemy, to whom it would be obvious that such a spendthrift policy must necessarily tend to limit the duration of our exertions; and that, although our fleets and armies should be every where triumphant, all their victories might be ultimately unavailing, and compromise and submission rendered unavoidable, by the prodigality and improvidence of our government. This, he trusted, would never be our condition; but to avert such a state of calamity, and dis-

grace, it was necessary that the vigilance of Parliament should be roused, and its authority exerted.

Some of their lordships might not perhaps have fully ascertained the advantageous effects of that system, which was now for the first time invaded: they might not be aware, that the war taxes had not only occasioned the facilities in all money transactions, which the state of public credit (as far as it was benefited by the comparatively small amount of our loans) could not fail to produce, but that, since the renewal of the war, they had, upon the lowest computation, prevented an addition of more than two hundred millions of debt, and of near ten millions of permanent taxes.—This was the system in which a breach had been improvidently made: he trusted it would be repaired; or at least that the attention of Parliament and the public being awakened, this delusive, weak, and ruinous expedient would not be repeated. He wished not to check or discourage exertion: but he was anxious to see economy go hand in hand with vigour, and our income and expenditure brought as nearly as possible to a level with each other.

His lordship concluded by saying that in thus delivering his sentiments, he had discharged an indispensable duty not only to his country, but to himself; as his silence might have been misconstrued into an acquiescence in a measure, utterly inconsistent with a just view of our actual situation, and of the nature of the present contest, and directly adverse to opinions which he had always entertained, and upon which he had constantly acted. If persisted in, it had an obvious tendency to lay us at the feet of the enemy; although, humanly speaking, the means and resources we possessed were, if wisely applied, fully sufficient to frustrate all his projects for our destruction, and to conduct us through the struggle, not only with security to our independence, but with increased glory, and augmented power. To a measure of such a description he could not but express his decided and unqualified dissent.

The Earl of Liverpool contended that the noble viscount was in error, in supposing that the annual expenditure during the war could be limited to any definite sum. This, from the fluctuation of circumstances and the varying price of articles necessary to our equipments, was impossible. He regretted as much as the noble viscount

the great increase of our expenditure, but it should be recollected that the shutting of the ports in the Baltic and the American ports, must necessarily increase the price of naval stores, and of articles which were requisite for supplying our forces. With respect to the mode of carrying on the war, by assisting those powers on the Continent who were struggling against the common enemy, this was not the time for discussing that question. Circumstances had arisen which had necessarily increased the expenditure; he alluded to the rising of the Spanish people; but in every point of view in which that object could be considered, whether with reference to the additional means afforded of combating the ruler of France, or to the considerations of national honour or liberal policy, he would say, that we were called upon by all those considerations, as well as by sound policy, to render assistance to that nation in their struggle against the oppression of France, and it would be a cheering consolation to the country that such assistance had been rendered, even though it should fail in its object. With respect to the expenditure, it might be a question of policy as to whether we should carry on the war upon a certain definite scale, with a view to its long continuance, or whether we should carry it on for a short time upon a more enlarged scale, with a view to more immediate advantages. He would not now, however, consider this question, but proceed to consider the immediate subject of finance. The objections he had to the plan of the noble lord opposite (Lord Grenville), were, first, that it proceeded upon the assumption of a certain definite annual expenditure during the war, which was absolutely impossible; and secondly, that it was a breach of faith towards the public creditor in the new sinking fund, which would be created, and by which a bonus would be given at a time when it was not wanted, whilst when it would be useful, it could not be forthcoming. The present ministers had acted upon the plan of the noble lord in the first year of their coming into office, he having previously pledged a certain portion of the war taxes for the interest of the then loan and sinking fund. It was known to be a part of that plan, that in consequence of raising the war taxes to the amount to which they were then brought, no new taxes should be imposed for three years. In the last year there was no necessity for resorting to new taxes, with some trifling exceptions, the falling

in of the annuities and other sources having furnished nearly sufficient means for defraying the interest of the loan and the one per cent. In the present year ministers had resorted to the mode now proposed of pledging 1,000,000*l.* of the war taxes to defray the interest of the loan; but he wished it to be distinctly understood that this was not part of a system, and that the subject remained completely open for consideration. If the plan of the noble lord (Grenville) had been acted upon during the three years, there would now have been 3,600,000*l.* of the war taxes pledged for the interest and sinking funds of the loans of those three years. By the system under which the present ministers had acted there would be pledged, if the present bill was passed, 2,200,000*l.*, of the war taxes. There was, therefore, this difference between their system and the plan of the noble lord. There was not, it was true, any sinking fund created in the present instance; but that might be done hereafter, if it was thought necessary; and, at all events, the whole subject was open for the consideration and decision of Parliament.

Lord Grenville said, he felt it an irksome task, upon the present occasion, to call their lordships' attention to this subject of finance at this late period of the session, when the attendance was so thin, and when he had to address nearly empty benches. Ministers seemed determined that their lordships should scarcely have an opportunity of discussing this bill, by taking care to bring it up to that House at a period when attendance could scarcely be expected; they did not even condescend to state its object, and thus it was, that a bill for imposing taxes in perpetuity upon the country, to the amount of a million a year, had hitherto passed through the greater part of its stages unnoticed, and almost unknown, and he even doubted whether many who heard him were at all aware that the object of the bill was to impose taxes to the amount of a million a year in perpetuity upon the country. The noble earl (Liverpool), in contending the annual expense of the war could not be definitely fixed at any limited sum, had contended for that which nobody could doubt. Every one must be aware that the sum could not be precisely limited; but here was an increase of expenditure, in the course of two years to the amount of 9,000,000*l.*; and yet, notwithstanding this enormous increase, a general apathy seemed to prevail upon the subject. The

people, wholly indifferent to this most important consideration, were occupied in discussing minute points, with respect to which it was impossible that any material alleviation of their burthens could arise, and those were only deluding them who endeavoured to persuade them that such would be the result. The enormous increase of 9,000,000*l.* in our expenditure, and this in the short space of two years, was surely a subject of no ordinary importance, and demanded the most serious investigation. The noble earl had declined going into the discussion of those political measures from whence this enormous increase of expense had arisen; but surely it was not enough to say that this had been done, and therefore it is unnecessary to discuss it; this expense has been incurred, and therefore it is needless to go into the discussion of the political measure which occasioned it. Some substantial reason ought to be given for so enormous an increase of expense. Looking to the situation and the resources of the country, it must be at once evident that the greatest error, where all was error, was this enormous increase of the expenditure of the country, and this at a time when it was more than ever necessary that we should husband and economize our resources. The noble earl had objected to the plan of the late administration, that it assumed a definite annual expenditure, which it was impossible to keep to; but it surely must be evident to every one, that some definite sum must be taken, in order to found upon it a detailed calculation. It might not have been practicable to keep down the expenditure to 32 or 33,000,000*l.*, stated in that plan, though he thought much might have been done towards the attainment of that object; but the great advantage of that system would have been, that the excess of expenditure above that sum being to be provided for by immediate taxes, Parliament and the country would have been fully aware of the increase of the expenditure by the proposed increase of taxes, and a salutary inquiry into the cause of that increase would have been the result. On the contrary, under the plan of the present ministers, the people were deluded with the shew of imposing no taxes, whilst the increase of expenditure was kept out of sight, and a permanent burden was imposed, which tended to the ruin and destruction of our resources. The noble earl had stated, that under the plan of the late administration 3,600,000*l.* would now have been

mortgaged, and that under the present plan 2,000,000*l.* only was mortgaged; but mark the difference, by the former there would only have been an annuity for fourteen years with the operation of the sinking fund, whilst by the present plan a burden of 1,000,000*l.* a year was imposed for ever upon the country. The present ministers had no sooner come into office, than they set about deranging this plan of their predecessors. It was true that it was partly adhered to in the first year; but with this marked difference, that the property tax was included in the pledge, which it was the object of the late ministers to exclude. By the plan of the late administration, the war, as stated by his noble friend (Lord Sidmouth), might have been carried on indefinitely. The enemy aiming at nothing short of our destruction, had adopted two modes of attempting that object, which he sometimes pursued united, sometimes separately; the one was direct attempts upon the country, the other endeavouring to wear us out and exhaust our resources. To repel the former, we must rely upon the valour and discipline of our navy and army, to the spirit and bravery of the people. To meet the latter, it became necessary to adopt some permanent plan which should place our resources beyond the peril of being thus exhausted. It was with this view that the plan of the late administration was formed, under which each portion of the war taxes, after paying off in fourteen years the sums charged upon it, would have been again applicable to the public service for a similar purpose, and thus we might have been enabled to maintain the dreadful contest in which we were engaged, and convince the enemy that he could have no hope in continuing the war of being enabled to exhaust us. But what must be the consequence if the plan of the present ministers was persevered in; by pledging one million a year in perpetuity, it must be evident to every one, it must immediately be evident to the enemy, that at the end of a certain definite period our resources must be utterly exhausted, for when the war taxes were, in this way, all mortgaged in perpetuity, to what resource could the noble earl then resort to carry on the war, or to support the credit of the country? He was, however, glad to hear from the noble earl, that this was not intended as part of a system, and he was anxious to hear what was the system which ministers had in their contemplation; but, in truth, there appeared to be no system. The maxim of the noble earl seemed to be "suf-

sufficient for the day is the evil thereof;" and all that was looked for was to satisfy the exigency of the moment. The noble earl, when he had proposed this measure, was at the end of his finance, and looked no further than next year, when a new supply must be raised. He was surprised to hear from the noble earl, at a distance of two years, that the plan of the late administration would have operated as a breach of faith. No persons were more alive to their interest, and justly so, than the public creditors, and yet from those gentlemen no complaint of this nature was heard. So far from it, that at the time of negotiating the loan, after this plan was brought forward, when he (Lord Grenville) was in office, one of the gentlemen who had contracted for it told him, that the advantageous terms then obtained for the public were to be ascribed to that plan. Upon what terms could the present ministers expect to borrow, if the war taxes were to be mortgaged in perpetuity?—a measure so pregnant with danger and injury to public credit. He could not quit this subject without again deprecating those measures which had been the principal cause of the enormous increase of our expenditure. He was thoroughly convinced that no possible advantage could be derived from continuing a British force in Spain. A system of utter delusion had been practised with respect to the state of affairs in that country, where there appeared no hope whatever of maintaining an advantageous contest. To carry on a land war on the continent was the greatest impolicy of which we could be guilty, and in direct opposition to the only system of policy to which we ought to resort—to that of husbanding and defence. His lordship proceeded to ask what we had gained by this increased expenditure, and by the addition thus made to our debt? We had gained the convention of Cintra, the retreat of Salamanca, the loss of our brave officers, and the dispersion of our army, as an army.—What, on the other hand, had we lost? We had lost in having an increase to our debt of 9,000,000*l.* and an annual burden of 1,000,000*l.* additional imposed on the people of this country. The burthens altogether to which not the higher nor the lower, but the middling class of the community of this country had of late years submitted to, were inconceivable. He was one of those who, far from countenancing or supporting, highly reprobated and disapproved of the practices resorted to in order to excite

clamour and disaffection; but at the same time he must caution ministers not to refuse their attention to the voice of the well-affected. He could not forbear from expressing his surprize that an attack should have been made upon the proposition made by him (Lord Grenville) while in office, by the noble secretary, who now himself proposed to carry through a measure which went so extremely beyond what he (Lord Grenville) had ever had in contemplation. He requested of the House to bear in mind the opposition which the noble lord opposite, and those who acted with him, had shewn to the proposition which he had formerly submitted, and to compare it with the present measure. The present, he contended, was a measure which had uniformly been discountenanced by Mr. Pitt, by his noble friend (Lord Sidmouth), and by the administration of which himself formed a part. The plan which he had in view would have affected part of the war taxes, at the very most for fourteen years, though, in his mind, for a far shorter period; the present measure went to affect them permanently. It had gone abroad in the country, that he approved of the present measure; this he wished most explicitly to deny. He esteemed the present the most destructive measure which could be adopted. His plan also went to provide an immediate and permanent peace establishment; in the present plan no such thing was thought of.

Lord Harrowby supported the bill. He maintained that it must be attended both with immediate and future advantage. It was attended with good at the moment, in as much as it prepared the people to pay the taxes with which they were at present burthened. It must be attended with advantages in future, by affording ministers an opportunity of judging of the best means of making the existing taxes most effectual.

Lord Grenville explained. He declared his opinion that our system, in the present state of affairs, was one of husbanding and defence. We had nothing to do with sending an army to the continent. That he might not be misunderstood, he expressly stated that our government ought not to have sent an army to Spain. Such had always been his opinion. The noble lord asked, why did he not tell this sooner? He did on the first day of the present session explain these to be his sentiments, and complain that ministers by not consulting Parliament on the

subject during the last session, had not afforded him an earlier opportunity of stating what his opinion was. If Spain could not defend themselves, in his judgment any army we could send into the Peninsula would be of no avail. All that we had a right to do was to provide them as far as was in our power with arms, clothes, and ammunition. He begged also to state, as a proof of the increase of our expenditure, that the single article of transports had increased from one million and half to three millions.

The Earl of Liverpool, Lord Sidmouth, and Lord Grenville again explained; after which, the bill was read a third time, and passed.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, JUNE 7.

DROITS OF THE ADMIRALTY.

Sir F. Burdett moved for an account of the net produce of the droits of admiralty and of the crown since the accession of his present majesty, and the specific application of the same. Ordered.

COLONEL GORDON.

Sir Francis Burdett then gave notice of a motion on the subject of the Chelsea grant to Colonel Gordon; but

Mr. Huskisson having stated that further inquiries had been made, and that the result was to be laid on the table, the notice was withdrawn.

Mr. Bankes moved for the appointment of a Committee on the subject of the improvements about the two Houses of Parliament. Agreed to.

Mr. Whitbread observed, that owing to a mistake in the entering of his notice, a delay had taken place which precluded the possibility of any thing being done upon his resolution respecting placemen sitting in Parliament this session. He would therefore bring forward the subject early in the next session.

FOREIGN RELATIONS.

On the question that the vote of credit bill be read a third time,

Sir Thomas Turton recommended caution to government in furnishing Austria with money. As to Spain, he

was willing to leave the discretion of money supplies with ministers: but he strongly urged the uselessness of sending troops to that country unless ministers were well satisfied of the disposition of the people of Spain to support their own cause.

General Tarleton had intended to give a very serious admonition to ministers as to the sending of money to Austria in the situation in which she stood; but the late news, which every Englishman must hear with extreme pleasure, had somewhat altered his intention. He adverted to the dismal prospect of the Austrian affairs at first, but having seen two French bulletins, where Buonaparte acknowledged a serious reverse, his hopes revived, and he still saw a chance of salvation for the House of Austria; and if we could promote this favourable turn of circumstances by any pecuniary assistance, it would be improper to withhold it. The honourable general next adverted to the state of Spain and Portugal, and pointed out the unfortunate consequences of the convention. He also dwelt upon the conduct of Mr. Frere, whose advice had brought about the unfortunate retreat to Corunna, instead of a retreat to Lisbon, which was so much preferable, and which had been intended by the lamented Sir John Moore. But ministers had sent another army to the Peninsula, and what was the prospect? The enthusiasm of the Spaniards was not so great as at first, and since they were unable before to drive the enemy, consisting of 80,000 men from behind the Ebro, what hope was there that they would now be able to expel from their territories an army of near 100,000 men? It seemed the most hopeless plan that could be imagined, to send men to the Peninsula at present. He severely condemned the great noise made about the three skirmishes of Sir Arthur Wellesley, which would give occasion to the people of the continent to say, that we were the animal in the lion's skin—and that the noble lord was the daw in borrowed feathers—[Lord Castlereagh was in the full uniform of his militia regiment]. He blamed the mode of operations adopted at present in the Peninsula, and contended that the only chance of our doing any thing effectual was, to adopt a defensive plan till circumstances should arise to enable us to act offensively with a better prospect of success. He blamed the appointment of Marquis Wellesley to Spain, and said that it would have been better to send

lord W. Bentinck to the Junta, and send the Marquis to Prince Charles, where he could do no harm. He concluded by recommending the greatest economy in the expenditure of the public money.

Mr. Curwen observed, that if the news of the check received by the French armies in Austria were well-founded, ministers ought not to be niggardly in their assistance in money to Austria; and if the case should require it he would recommend it to ministers, instead of three millions to take six millions. This was the first reverse that Bonaparte had met with; and if it was of the extent reported, it would be incumbent on ministers to adopt a bolder policy, and make common cause with Austria, where the battle for Spain and Portugal must in fact be fought.

Lord Castlereagh observed, that it was the duty of ministers neither to be elevated by temporary success, nor depressed by the casual disasters to which war was subject, but to administer the resources committed to their charge in the best manner for the country and the world. The honourable general had taken an unfair view of the transactions in Portugal, which he affirmed, under all the circumstances, to have been very brilliant, though he had never described them as general battles. Since the army was under the command of Sir Arthur Wellesley, he thought the advice of the honourable general might have been spared, as every thing that zeal and knowledge could effect would be done. As to the success mentioned in the news of the day, he was always unwilling to raise too sanguine expectations in the country, as well as to prevent its being depressed in adversity.

Mr. Herbert (of Kerry) approved of the declaration of government, that they would not abandon Spain as long as it would be true to itself.

The bill was then read a third time, passed, and ordered to the Lords.

A message from the Lords announced their assent to the Irish militia pay bill; and that the Lords had passed an act for giving the commissioners for inquiring into the administration of justice in Scotland further time to make their report.

ADDITION TO THE INCOMES OF SMALL LIVINGS.

The House went into a Committee of supply.

Mr. Perceval stated, that he was now, pursuant to

notice, to propose an augmentation of the livings of small livings. The returns were not so complete as he wished; but there were sufficient on the table to warrant the vote which he would at present call for. It appeared, he said, that there were no less than 1100 livings in this country beneath 50*l.* a year; that was beneath the ordinary wages of labour. It was not now proposed to adopt a system. Before that took place, much mature consideration must be had respecting the residence of the clergy, and other circumstances. In the Scotch establishment, there were fewer livings under 150*l.* than there were in England under 20*l.* a year. But the general wealth of the English church served to support its respectability; and therefore it would be proper, as the Scotch clergy had not the high prospects of the English clergy, to raise them all above poverty; and in the next session he would call the attention of the House to the Scotch establishment. He concluded by moving, that 100,000*l.* be granted to his majesty to be distributed among the small livings by the commissioners under Queen Anne's bounty, on the same principle that regulated their previous distributions.

Lord Milton did not object to this resolution, but observed, that a part of Queen Anne's bounty had been applied to other than purposes strictly clerical. He also remarked that a great many of the small livings were in the possession of rich pluralists, who could have no need of the augmentation.

Mr. Wilberforce expressed in strong terms his approbation of the measure, and observed, that it was highly honourable in his right honourable friend to have attended to this subject, amidst such a variety of avocations. Many of the inferior clergy suffered the most extreme hardships, and the vote was equally gratifying to the feelings and to the judgment. He then adverted to the scandalous fact that in many places, particularly in the large towns, the poorer classes had not the means of attending public worship. Some remedy ought to be applied, and for this purpose he thought the building of churches ought to be facilitated. The expense and other circumstances formed at present very powerful obstacles.

Lord Henry Petty concurred in the object of assisting the parochial clergy, and looked with satisfaction to what had been done by a bill which he himself had some time

ago brought in for relieving the small livings from the land-tax. He wished that a plan could be devised to confine the relief to such small livings as were not possessed by rich pluralists. He also suggested the propriety of making Queen Anne's bounty effective in Ireland.

Mr. Curran approved of the measure, and concurred in what had fallen from the honourable gentleman near him respecting the want of accommodation in churches for the poorer classes. He thought some attention ought to be paid to the condition of schoolmasters, and referred to the northern parts of the island, as an instance of the advantages of educating the poor.

After some observations from Sir J. Newport, Mr. Dennis Browne, Mr. Parnell, Mr. Thomson, Mr. Babington, and Mr. Carew,

Mr. Perceval rose, and expressed his satisfaction at the reception which the present proposition met with. It was not at present proposed to form a system. The suggestions for improvement would be afterwards considered. He stated that the present grant, if continued, would in four years raise the value of the lowest livings to 50*l.* a year.

The resolution was unanimously agreed to.

Mr. Perceval next adverted to the machinery invented by Dr. Cartwright for the improvement of weaving wool, sail-cloth, &c. &c. and stated that the prejudices at first entertained against the invention, had prevented him from deriving any benefit from his patent. Dr. Cartwright had expended a large private fortune in bringing to perfection a machine, of which the public was now reaping the benefit. One witness had stated that he had expended no less than 30 or 40,000*l.* He imagined, therefore, that a grant of 10,000*l.* would not be objected to; and moved a resolution accordingly.

Mr. W. Smith approved of the grant, which was then agreed to. The next sum voted was, 3157*l.* for printing the journals; the next sum was, 4500*l.* for the New Forest.

Mr. Rose then proposed the sum of 35,000*l.* for erecting buildings in the naval asylum; which, after a few words from Sir C. Pole and Sir J. Newport, was agreed to.

The House then resumed, and the report was ordered to be received the next day.

SEATS IN PARLIAMENT BILL.

The House having gone into a Committee on this bill, and several clauses having been negatived without any observation,

The Chancellor of the Exchequer proposed a clause, providing that nothing in the bill should extend to any legal aid *bona fide* sale of lands, tenements, or hereditaments. The clause being brought up, and read a first time,

Mr. W. Smith objected to it, and contended, that to any stranger it would appear to have no connection with the object of the bill; and that such a person would be apt to imagine either that he had mistaken the title of the bill, or that it had crept accidentally into the bill; the object, however, of the clause, though apparently irrelevant, was sufficiently obvious. He concluded by moving as an amendment, which he would beg leave to propose in the form of a separate clause, that whereas by the 40th of the king, in the Irish Parliament, commissioners had been appointed for the purpose of recompensing the claims of the proprietors of places, ceasing to return persons to serve in Parliament; and that it was probable that similar claims may be hereafter made to the imperial Parliament in case of the abolition of boroughs; be it therefore enacted, That no such claims shall be admitted, unless the person or persons claiming shall swear they have not, directly or indirectly, been guilty of bribery or corruption.

Mr. Perceval objected to the clause, and thought it more inapplicable with regard to the object of the bill than the former clause to which the honourable gentleman had so strongly objected. That clause had a more general application than the one proposed by the honourable gentleman, which applied chiefly, if not solely, to burgage tenures. He thought it would be advisable to defer any discussion or proposition with respect to those burgage tenures until the question affecting the principle of those burgage tenures was fairly before the House.

Mr. Tierney said, that the right honourable gentleman seemed to be of opinion that he had a right to challenge those who objected to the wording or nature of the clause to substitute in its place something better. Now, however, it might be thought reasonable that those who objected should, according to themselves, also amend, still

he was of opinion with many honest country gentlemen who looked with laudable jealousy to the proceedings within that House, that it was in such cases the duty of himself and others to object, while he left it to those who pressed what was thought objectionable, to prove to the Committee that it was not so. He said this much to shew, that the objecting to any proposition in that House did not necessarily call upon the person objecting to remedy the evil of which he complained, because many an honest sound judging man might see gross errors in any measure proposed, without being able at the moment to apply the remedy.

After some further observations from the Attorney-General, Sir John Anstruther, Lords Porchester and Milton, the clause originally proposed by the Chancellor of the Exchequer was agreed to without a division.

The Chancellor of the Exchequer brought up his clause for levying certain penalties on the person procuring his return by any express covenant to give or make offices.

Lord Henry Petty stated his objection to the clause as now read. He contended that in place of remedying corruption it went to concentre it. It would give the whole management of that species of influence to the treasury. Now next to putting a stop to the principle and practice of corruption, the next wise thing was to have it as diffuse and general as possible. Upon the construction of this clause would depend whether he should support or oppose the bill, convinced that at all times it was better not to legislate than to pass provisions which it was intended not to make efficient. He concluded with moving, as an amendment, that the word "express" be left out.

The Chancellor of the Exchequer did not suppose that, after the discussion of last night, any new light could be thrown upon it. It did not however appear that if it should be left open to imply an agreement, juries would always presume that the grant of the office was in consequence of the vote given.

Sir John Anstruther considered the attack of the Chancellor upon the juries of this country the greatest libel he had ever heard uttered, when he said that juries were not to be entrusted with the character of men in public situations. Where was the express agreement in the measure which gave origin to this bill? There was certainly a transfer of patronage in that case intended, although no

express engagement appeared on the face of any instrument. Was it intended to realize every artifice which led to the same effect, and only inflict penalties upon the bungler?

Mr. Lyttelton stated, that if the word express was continued, the very principle of the bill was altered. If it should be continued, he felt it was his duty to vote against the bill itself.

The Speaker stated his wish on the first view to extend the provisions of this bill to the purchase of seats in Parliament, as well by office as by money. The great rule was to strike at the prominent and most flagrant points of offence. Amongst those, most certainly, was the proof of any express contract. These he would state, always impressed with the conviction, that this species of traffic, whether carried on by implied or express covenants, was an offence against the law of Parliament, and in his opinion punishable as a misdemeanor at common law. It was fully within the power of the House to provide by future enactments against any future offences, which in the course of the operation of this measure might subsequently arise.

Mr. Ponsonby, with considerable diffidence in his own opinion, when opposed to the very high authority of the Speaker, still contended that the insertion of the term express in a declaratory act of Parliament, conveyed the interpretation, that the penalty attached to express agreements, and that all of an indirect or implied nature, came not within its operation.

The Speaker considered the resolutions of that House in 1779 bore fully upon a traffic carried on by an implied contract, and therefore he saw no reason to oppose the proposed clause as now worded.

Mr. Ponsonby considered the resolutions of 1779 not efficacious to redress an evil which all admitted to exist, at which the House itself connived, and of which, with the circumstances known to all members, they would have been greater hypocrites than Mr. Bowles, when he wrote his books to affect an ignorance.

Mr. Tierney declared, that since he had first the honour of a seat in that House, he never heard a speech with greater pleasure than that of the right honourable gentleman (the Speaker), whose authority stood so deservedly high in that House. He did not think that the House after that speech

would have felt it its duty to take up the present measure with sincerity and zeal. That zeal and sincerity the ministers had evinced, by setting themselves in opposition to every wholesome provision of the bill. Upon a question which ought to be considered without any reference to party feelings—the government of the country had exerted a most successful hostility. Upon them rested the responsibility of that disappointment which the country must feel. By their conduct, they would in the ensuing summer, bring the character of that House before the tribunal of public meetings, in a manner which all disposed to venerate the character and support the dignity of Parliament must regret. He declared, that if the clause now proposed remained so worded, he would be obliged to vote entirely against the bill.

The Chancellor of the Exchequer appealed to the honourable proposer of the bill (Mr. Curwen) whether he felt that ministers had endeavoured to defeat the object of the measure?

Mr. Curwen, without imputing any such intentions to government, still regretted that the most material points were negatived, and that the disposition of the House was not friendly to the principle of the measure. He conjured the government, in place of anticipating guards for themselves, to yield to the opinion of the country; and not suffer it to think, that where its influence was to be affected there was nothing done.

Mr. Bankes and Sir S. Romilly both argued, that the insertion of the term wholly vitiated and defeated the object of the proposed remedy. It was stated by the latter, that in no other legislative enactment such a term as "express" could be found.

The Attorney General vindicated the conduct of his right honourable and learned friend, during the progress of this bill before the House, and gave his support to the clause as it then stood.

Mr. Adam spoke in favour of the amendment, which he thought necessary, to guard against impunity, to those who gave or accepted bribes after election. He had several clauses to propose, which he should postpone bringing forward until the third reading. As to the grant of offices, the fact was, that the generality of the close boroughs were corrupted by such grants, and therefore it was the more necessary to make a provision upon this subject.

Mr. Wortley Stuart thought any member would be liable to vacate his seat who should happen to procure a place for any man who voted in his favour, if the word "express" were omitted, and therefore he would oppose the amendment.

A division took place, and the numbers were;

For the amendment - - - - - 45
Against it - - - - - - - 78

Majority - - - - - 33

Adjourned.

HOUSE OF LORDS.

THURSDAY, JUNE 8.

PROTEST.

Lord Viscount Sidmouth rose to request leave of the House to enter a protest relative to the debate of last night which he had not been able to do, not having been down to the Parliament office before two o'clock, through an accidental delay.

A long conversation ensued between Lords Eldon, Grenville, Rosslyn, and Liverpool, upon the right of other peers to sign the protest, if the permission should be granted to the noble viscount. After much discussion, it was agreed, that the noble viscount should have till to-morrow to enter his protest, and the right of the other peers to sign it was admitted.

Earl Stanhope brought in a bill for introducing trial by jury in Scotland, which was read the first time.

HOUSE OF COMMONS.

THURSDAY, JUNE 8.

The Blackfriars Bridge Sunday toll bill, the friendly society bill, the Irish bog drainage bill, and the Irish tontine annuity bill, were read the third time, passed, and ordered to the Lords.

The Irish customs duty bill was reported, and ordered to be engrossed.

Mr. M. Fitzgerald gave notice of a motion early in the next session of Parliament, founded on the report of the Irish commissioners of inquiry, respecting the state of

elanation in Ireland, in order to the introduction of a bill for extending the improvement of the education of the lower orders of the people in that part of the United kingdom, and for other purposes.

Mr. N. Vansittart moved for an account of the produce of the property and other war taxes for the last two years, and the arrears due thereon.—Ordered.

Mr. Wharton brought up the report of the resolution of the Committee of the whole House, of grants from the consolidated fund.

Mr. Bankes opposed the grant of 10,000*l.* to Dr. Cartwright, for his improvements in the construction of looms. He could not see the necessity for such a grant, but considered it a lavish disposal of the public money.

The Chancellor of the Exchequer considered the improvements made by Dr. Cartwright as of the greatest advantage to the cloth manufacturers of the country, and highly meritorious of national remuneration, and the grant by no means an improper one.

Lord Milton, the Attorney General, and Mr. Davies Giddy, also approved and supported the grant, and it was agreed to; as were also the other resolutions; and leave was given to bring in the bills.

Mr. Whitbread presented a petition to the House, for the truth of the allegations in which he would not be responsible, although he had no doubt of the veracity of what it alleged, from the respectability of the quarter whence it came. It was a petition from the Rev. Richard Humphries, curate of the parish of Sawley, in the county of Derby, stating, that his prebend, the Rev. Spencer Maddock, enjoyed an income of 2,400*l.* a year from the living, besides other benefices in the church, and that his allowance, as a curate, was but 40*l.* a year; a sum wholly inadequate to his support, and to the duties which devolved upon him in a very populous and extensive parish, and praying such relief as to the wisdom of that House should seem meet.

The petition was ordered to lie on the table.

A message from the Lords signified their lordships having agreed to the London dock bill, the public accounts audit bill, and the militia family bill.

The naval prize money bill was read the third time, passed, and ordered to the Lords.

Lord Henry Petty gave notice that he would the next

day move for copies of instructions to the British envoy, Mr. Erskine, in relation to the affair of the Chesapeake, and to other matters relating to his American mission.

MR. DUNDAS SALARIES.

Mr. Creevey rose to bring forward his promised motion respecting the appropriation of a sum of 9000*l.* for the purchase of an official residence for the president of the board of controul, in the vicinity of this House and Commons; a grant at which he felt much astonishment, as he did not conceive such residence at all necessary to be provided at the public expense for the person filling that department; more especially as an ample salary for the president, two commissioners, and a secretary, was settled by act of parliament in the year 1793. He found that this grant was made in consequence of a letter written in 1807, by the right honourable gentleman, who now fills that situation, to the Duke of Portland, as first lord of the Treasury, stating that it would be expedient to provide such a residence for him in Downing-street. On reading the answer written by Mr. Huskisson to this letter, he was not surprized at the shyness at first manifested by the lords of the Treasury to comply with the application. He could see no necessity whatever for putting the public to such a heavy expense for an officer who had so little to do in his official capacity with the House of Commons, and so little business to transact at the west-end of the town. There was, indeed, some necessity that the Chancellor of the Exchequer, who had so much to do with the House of Commons and the Treasury, should have a contiguous and official residence; but the Secretaries of State had no such residence provided, and much less could it be necessary or allowable in this case, particularly at the west end of the town, while in fact, the whole of the official business of the president of the controul lay at the India-house, and if such a residence was deemed necessary, it should have been in Leadenhall-street, where the purchase would have been much cheaper. While the father (Lord Melville) of the right honourable gentleman filled the situation, there was an India budget once a year; but since the accession of the right honourable gentleman to the office, not a single budget had been brought forward; and therefore he could not see even the shadow of an argument for such an appropriation,

unless it rest in the argument offered by the Chancellor of the Exchequer, that the salary of 2,000*l.* a year was not adequate to the duties of the situation. He was ready to admit this fact; the act of parliament for appropriating the 5000*l.* a year as before mentioned, empowered his majesty to make a greater allowance from that fund, which might be fairly done, inasmuch as nearly the whole duty devolved upon the president, and the two commissioners and the secretary had little or nothing to do, and 1500*l.* each was too much for them. If, however, the allowance was to be increased, it should be done directly and fairly, by act of parliament, and not indirectly and illegally, by the purchase of an official residence. Besides it was well known that the appointment was not considered in itself as a place of adequate emolument, but rather as a step to one of greater profit, and so it appeared in the case of the right honourable gentleman. This system originated in the family of the right honourable gentleman, and no such demand was ever made before the accession of Lord Melville. The company had indeed agreed, after much discussion, to comply with the desire of the noble lord, and purchase for him this very house in Downing-street, in 1800; but before the place could be fitted for his occupation, by Mr. Holland, the noble lord was removed from the office, but obtained a pension of 2000*l.* a year for life, from the company. This, with other accommodations was given to the noble lord's family from the public, amounting to 10,500*l.* in sinecure places, might, one would think, have satisfied all their reasonable expectations. Neither Lord Dartmouth nor Lord Castlereagh, nor any successor of the noble lord, had ever claimed an official residence, until the right honourable gentleman was appointed to the office, when he, notwithstanding the grant of a pension of 2000*l.* a year to his father, revived the claim.

Mr. Creevey contended, that the grant made in consequence by the lords of the Treasury was contrary to the act of the 23d of the king, and therefore illegal; and he concluded by moving two resolutions, the one recapitulating the facts of the letter and consequent grant, and the other declaring that the lords of the Treasury had acted improvidently, no official residence being necessary for the president of the board of control.

Mr. Dundas defended his claim and the consequent

grant, upon the ground that an official residence was as fairly the claim of the president of the board of controul as of Sir. Charles Morgan, when judge-advocate-general. The treasurer of the navy, the paymaster of the forces, the secretary to the admiralty, the chancellor of the exchequer for Ireland, and many other public officers, enjoyed the same advantage. Besides, the honourable gentleman had argued erroneously, in saying, that such a grant was illegal, for the same act of parliament, which limited the appropriation of 5000*l.* per annum to the salaries of the president, commissioners, and secretary of the board of controul, appropriated also 11,000*l.* per annum for other contingent expenses, of which the purchase of the house might form a part. He concluded by moving the previous question.

Mr. J. Newport entered into an explanation of the circumstances that gave rise to an official residence being given to the Irish Chancellor of Exchequer.

Mr. Whitbread observed, that it was not so necessary for the president of the board of controul to have an official residence, as it was for the Chancellor of the Exchequer for Ireland. He contended, that it was an abuse to have suffered Sir Charles Morgan, after he had ceased to be judge-advocate, to continue in the House during the remainder of his life. Had the judge-advocate gone since without the accommodation of a house? If he had not, it appeared to him highly improper, that the public should be burthened with the charge of providing another house for him. The right honourable gentleman had stated no reason why the president of the board of controul should have an official residence. If an increase to his salary, it should be granted *eo nomine;* and the House would, he trusted, by its vote on this occasion, decide that the appropriation of a house to such a purpose was highly improper.

Lord Henry Petty felt it necessary, as the death of Sir Charles Morgan had happened whilst he had a seat at the Treasury board, to state to the House the reason why the house had not then been given to the judge-advocate. It had been found convenient and necessary to occupy the apartments over the Treasury, which had been appropriated to the home department, for the accommodation of the growing establishment of the Treasury. It was then deemed expedient to remove the office of the secretary

for the home department to the house in question. A compensation of 500*l.* a year, was in consequence, he believed, given to the judge-advocate.

The Chancellor of the Exchequer observed, that, if the House should be of opinion that nothing improper had been done by the Treasury, the usual and ordinary course of proceeding would be to pass to the other orders of the day, or to resort to the previous question. The first question for the House to consider was, whether the act of the Treasury was legal; the next if it was blameable. The honourable gentleman who had brought forward the resolutions had not gone so far as to say that the act was illegal: he was therefore justified in assuming that it was legal. As to the propriety of the act, he had to observe, that when the present administration came into office, the house had been separated from the office of judge-advocate, and a compensation of 500*l.* per annum given in lieu to that officer. The notice served upon the present Sir Charles Morgan to quit the House had expired since the present administration came into office; and as the house was no large enough for the office of the home department, it was thought right to give it for the present to the president of the board of controul, but not to annex it to his office. No minute had been made of the transaction; not because the board of Treasury wished to shrink from the responsibility, but because no board was sitting at the time. If any sufficient salary was annexed to the office of president of the board of controul, then certainly the board of Treasury would have been to blame; but as it was admitted on all hands that the salary was inadequate, he trusted the House would not think that there was any thing improper in the transaction.

Mr. Tierney appealed to the honourable gentleman, (Mr. Bankes) who was then chairman of the committee of finance, whether immediately on his retiring from office, he had not suggested to him the propriety of recommending the increase of the salaries of some offices, and particularly of that of the president of the board of controul. But though the salary was too small, he did not think the House should sanction the addition to it in the shape of a grant of a house. For his own part, he thought the transaction illegal, because the act gave only 5000*l.* per annum to be applied to the payment of the commissioners; and when it was afterwards, in 1792,

thought right to grant them all salaries, it was provided that the East India company should not pay more than 16,0. 0*l*. But when it was provided that the East India company should not pay more, it was not intended that the public should be made to pay any part of the salaries of the commissioners. He thought, therefore, that the board of Treasury was blameable in letting the president of the board of controul have the house in the manner they had, and, as he felt they had acted improvidently, he should vote for the motion.

Mr. Bankes admitted that the right honourable gentleman had made the communication he alluded to, at the time he stated, but as the Committee had been appointed for the purpose of inquiring what retrenchments could be made in offices and sinecures, he did not think that it came within the purpose for which it had been appointed, to recommend an increase of the salary of any office. He thought the mode of augmenting salaries by granting houses was the worst, the most absurd, and most prodigal manner, in which that could be done. It generally cost the public double or treble the amount of the increase in contemplation. He was of opinion that it was contrary to the intention and the meaning of the act of Parliament, that such an appropriation as that under consideration should have been made.

After a few words in explanation from the Chancellor of the Exchequer, the previous question was carried upon the first resolution, and the second was negatived without a division.

Some further papers relative to the grant of land near Chelsea Hospital were ordered, on the motion of Mr. Huskisson.

LIMITATION OF PLACEMEN AND PENSIONERS IN PARLIAMENT.

Mr. Whitbread rose for the purpose of submitting to the House the proposition of which he had given notice, and to which he could not anticipate the slightest possible objection. It was his intention to have pressed this proposition on a former night, if he had not been induced to withdraw it on that occasion, in consequence of the suggestions of several members, that they were not prepared to discuss it, as it had to come upon them by surprize. The right honourable gentleman opposite (Mr.

Chancellor of the Exchequer) had declared himself ready to meet the question then, and to give a direct negative to a resolution, that it was desirable still further to limit the number of persons, holding places, or pensions, or sinecures, having seats in that House. That right honourable gentlemen could not have forgotten the foundation of the reference to the Committee of finance on this subject, which reference had grown out of a proposition of a noble lord (Lord Cochrane) now member for Westminster, submitted to that House on the 7th of July 1807. The ground upon which the noble lord had brought forward that proposition, was the impression upon his own mind, that the influence of the crown in that House was considerable; and a conviction, that, according to the opinion of the public, the influence of the crown in Parliament was too great; that the corruptions which were known to exist, were the necessary consequence of that influence; and that a solemn investigation was necessary in order to ascertain by what means it could be reduced. With a view to this investigation, the noble lord had moved for a return of all the places, pensions, sinecures, offices, or emoluments, enjoyed by persons having seats in that House, or by their immediate connections. The right honourable gentleman, however, generalized the proposition of the noble lord, in the reference he made to the Committee, directing it to report upon all sinecures, pensions, &c. distinguishing those held by members of Parliament. It was said at the time, that the object of the right honourable gentleman was to slur over the matter, and to mix it with other considerations, in such a manner, that it would be impossible to come to any decision upon the real question. He did not mean to say, that the right honourable gentleman had any such intention; but certainly the effect of his interference on the occasion was, that the whole question was so confused, that the simple and distinct proposition of the noble lord was absolutely lost in the matter blended with it. When the House had been lately in a Committee on the bill of his honourable friend, and a reference was made to the original intention in forming the Committee of finance, it was proposed to leave out influence, as if the reference to that Committee extended only to economy and not to influence. The noble lord who originated the proposition for the Committee, was at the time in the

House, and he had expected that that noble lord would have taken the occasion to recal the House to the real state of the original reference to the Committee. As the noble lord had left the House without saying any thing upon the subject, he felt himself bound to move the amendment he had submitted to the Committee, which the right honourable gentleman had declared himself ready to meet, but which, on the suggestions of others, he had then been induced to withdraw. On putting the question at that time, he intimated his intention to bring it forward in a distinct shape, in the course of the present session. But owing to some mistake respecting the notice, and considering the advanced period of the session, as well as the very thin attendance which was likely to continue during the remainder of the session, of which the state of the House at that moment was a proof, he had changed his intention, and now proposed to move solely a resolution, that at an early period of next session, that House would appoint a Committee to consider of the propriety of providing further limitations of the numbers of persons holding places, pensions, or sinecures and seats in that House. To that resolution he did not think that any opposition could be made, because, whatever might be the opinion of the right honourable gentleman upon the ulterior question, as the influence of the crown in that House was now avowed, and said to be necessary—a doctrine which had never before been tolerated in that House—he thought that the right honourable gentleman, from deference to public opinion, would not object to this resolution. It was strongly impressed upon the public mind, that the influence to which he alluded was the cause of all the corruption in the state, and consequently led to the increase of the public burdens, so grievously felt by all classes of the community. In deference, therefore, to the opinion of the public, the right honourable gentleman would not, he trusted, make any objection to his proposition, especially as, in the next session, when the subject should be brought fully before the House, he would have an opportunity of shewing, if he could, that the influence of the crown was not so great as was supposed, or to require any reduction. But here he was bound to state that, in his view of the subject, the influence of the crown had increased, and ought to be diminished by those constitutional means which Parliament had been in

the habit, from time to time, of resorting to for its reduction. Unless those means which by constitutional right and habitual exercise, belonged to that and the other House, should be employed to diminish the increasing influence of the crown, it would in the end overthrow the two other branches of the state. A right honourable gentleman opposite (Mr. Rose) who had studied this subject with diligence, had, on a former night, entered into statements, and produced tables to the House to shew, that the influence of the crown had been diminished, rather than increased, because there were fewer placemen in Parliament at present than in former periods. He did not mean to stop here to inquire into the accuracy of those tables, or the justice of the right honourable gentleman's deductions from them. Though it might be true that there are fewer placemen in that House now than formerly, that would not shew that the influence of the crown had undergone any diminution. That unobserved influence of the crown out of doors in the appointment to the various and numberless offices under the patronage of government, was alarmingly progressive, and might render it necessary to diminish the number of public officers and placemen eligible to seats in that House.

Every man who contemplated the vast accumulation of the national debt, the enormous extension of the army and navy, the correspondent augmentation of all the public establishments, and the mass of patronage in the gross and in the detail that must necessarily grow out of such a state of things, must be convinced that the influence of the crown has increased and is increasing. The next question was, whether that being the case, it ought not to be diminished? It was his decided and conscientious opinion that it ought, and that it must, if Parliament were disposed to do its duty. As an instance of the alarming increase of the influence of the crown, he might refer to an act which passed within the last two years, the act for the establishment of the local militia. He begged gentlemen to consider what a mass of influence was created by the establishment of that large force, extending too throughout every part of the kingdom: he wished them only to contemplate the means which the single establishment afforded for attaching persons to the government, as would be obvious from the number of commissions signed in every gazette.—(*Signed by the lieutenant*—

whispered across the table,)—Yes, signed by the lords lieutenants; but the persons were approved of by the government, and, consequently, indebted to the government for their commissions. Besides, the number of applications to the secretary of state's office, and the immense sums of money issued for the support of this force, necessarily and unquestionably increased the influence of the crown over members of that House, through their constituents. There were numerous other instances which he could state, but as there was another important subject to come on, he should not think it justifiable in him to occupy too much of the attention of the House, as the principal question would not be discussed till next session. A right honourable gentleman (the Chancellor of the Exchequer) had, on a former night, taunted him with being a theorist, whilst he claimed to have the practice all on his side. So far from being supported only by theory, he would contend, that he had the practice of Parliament and the sound principles of the constitution on his side. During the whole of the last century, measures had been adopted, from time to time, for the gradual improvement of the constitution of that House, by the removal of persons dependant upon the crown. Of this description were the various acts for the exclusion of disqualified persons from seats in that House, and for the disfranchisement of voters, who might have rendered themselves unworthy of the elective franchise by the corrupt abuse of that valuable privilege. Every such measure was more calculated to purify Parliament than to curtail the influence of the crown. He did not rest therefore upon theory; his resolution was founded upon the original practice of that House, and was but an extension of the principle which had been uniformly acted upon since the Revolution. Having proved his resolution to be conformable to the uniform practice of Parliament, he should then contend that the present was a proper time for acting upon it, by diminishing the number of placemen and pensioners, and others influenced by the government, having seats in that House. He was bound, however, to add, that that part of the act of settlement which was to exclude all public officers and placemen from seats in that House after a certain time, was a mere theory that never had been acted upon, for it ceased to be a theory even before it could become a law. The principles laid down in that part of

the act of settlement would, if acted upon, prove most mischievous in practice. But there was an opposite mischief, which it was equally the duty of that House to guard against; they might have too many such persons in Parliament; a mischief which existed at present, and which it was the duty of that House to correct.

A right honourable gentleman had said on a former night, that, besides the great officers of state, it was necessary that others, connected with the public departments, should have seats in Parliament. Granted: this he did not pretend to deny. It was never his wish to exclude a reasonable number of the gentlemen connected with the public departments from that House; but he thought that some limits should be set to the number, and was convinced that there were at present more than were necessary among the members of that House. He begged to be understood in this observation as leaving the persons altogether out of his consideration, and looking only to the practice. Many of the honourable members who were in that situation were highly respectable, and would, no doubt, give their votes independently on the same side as at present, even if they had no connection with government or the public departments. Any observations, therefore, which he should have to make, would not apply to the particular persons now in office: others had before them been in the same situation as others might after them: the practice alone he condemned, and to that he should be an enemy, whoever might be involved in it. In looking to the list upon the table, it did not appear to him necessary that all the commissioners of the admiralty should have seats in that House. Whenever the first lord, as it often happened, was not a member of that House, two commissioners and the secretary of the admiralty would obviously be enough to have seats in that House, and fully adequate to do all the parliamentary business of that department. The same observations he should make respecting the commissioners of the treasury, of whom he was of opinion, that only a certain proportion, together with the Chancellor of the Exchequer, should be allowed to sit in Parliament. In the ordnance department, as the master-general was scarcely ever a member of that House, he was of opinion that the secretary might be allowed to hold a seat in that House; but he could see no reason why the store-keeper, the

treasurer, or the clerk of the delivery, should be eligible to seats in Parliament. With regard to the paymasters of the army, it would be desirable that the principal paymaster should sit in that House; but there could be no necessity whatever for admitting either the joint or the deputy paymaster to the same privilege. As to the board of controul, as the business of that office had very little connection with the details of Parliament, he could see no reason why any more than the president of that board should have permission to sit in Parliament. Having said that he would not object to the efficient officers of the state being members of that House, and even having admitted that some of the subordinate officers connected with the public departments might be allowed to sit in Parliament, in order that they might have an opportunity to become acquainted with the business of that House, and fit themselves for higher offices, he should confine his concessions to them, because he did not think it at all necessary that any other placemen should have seats in that House. He should now leave that part of the question and go to his majesty's household, the individuals connected with which having seats in that House were so many advocates for prerogative, and added considerably to the influence of the crown in Parliament. This might be extremely proper; but it did not appear in that light to him. Gentlemen might think that it was necessary and right that the ministers should have a controul over a certain number of the members of that House; they might think, and maintain too, that it was proper that the crown should have, as in other times it had, a party in that House to controul both sides of the House. But to this point he should only allude, because, however relaxed their practice had been of late, and however difficult the Speaker might find it to resume those reins, which his predecessors had found effectual to check all irregularity and disorder, but which had been wrenched from him, certainly without any the most distant imputation against him, by the gross and disorderly assertions which he had been reduced to the necessity of listening to; still relaxed as their practice had been, there were limits which it would not be justifiable on any ground to overstep, and consequently he should only allude to a circumstance which he could not venture to mention. He could not discover any reason why the groom of his

majesty's bedchamber; the first equerry to his majesty, or the vice chamberlains to his majesty and the queen, should be members of that House, the duties of their office respectively not having the slightest connection with parliamentary business. It was his opinion that the presence of such officers in Parliament had no other effect than to increase the influence of the crown. The cases he had mentioned, out of the many that could be brought under the consideration of the House, would be sufficient, he trusted, to prove to the House the necessity that existed for providing some further limitation of the number of placemen and pensioners having seats in that House. It had been provided by an act of Queen Anne, that no persons having pensions during pleasure should be eligible to sit in Parliament. The principle of the act was sound, but it was soon evaded, for pensions were afterwards granted for terms of years. By the act of George the First it was provided, that persons holding pensions, for terms of years, should not be capable of sitting in Parliament. This was an extension of the principle of the former act, but the measure stopped short of the limit it should have been carried to, and left it to a third act to exclude life pensioners from that House. There could be no doubt, that the persons to whom pensions were granted, must feel attached to the government to which they were indebted for the grants; but it might be said, that the holders of pensions for life were more independent than those who hold during pleasure, or for a term of years. Undoubtedly it would appear that such must be the case; but when it was considered that pensions might be granted for a term of years, greater than the probable, or possible duration of any life, it must appear extraordinary why the act of George I. had not been extended to pensioners for life as well as pensioners for a term of years. The holders of sinecure places ought also to be excluded from seats in that House, because it was held by some persons that such places ought to be still continued, in order that they might be made the reward of merit; they created influence, and should disqualify for Parliament. It might perhaps be right that a sinecure place held for life should not render the holder incapable of sitting in Parliament. But sinecures were not always bestowed as the reward of merit; they were often granted without any reference to services, and in such

cases were the instruments of the most reprehensible species of influence.

He had thus stated the views upon which he was induced to bring forward the resolution he had to propose. He hoped that no person would take alarm at the production of such a proposition at this particular moment, as if it was the first step to a parliamentary reform. Whatever might be the difference prevailing in the House upon the subject of parliamentary reform, he was persuaded that this was a proposition which should unite both the advocates and the opponents of reform in its support. Those who were adverse to parliamentary reform, according to the usual sense in which it was understood, would do well to vote for his resolution. The adoption of such a proposition would shew the people, that the House of Commons had the means and the disposition to reform itself, and deprive the advocates of change of one of the strongest of their arguments against the constitution of that House. The friends of parliamentary reform, on the other hand, had an interest in supporting his proposition, because in whatever way the question of reform may be disposed, however the members of that House may be elected, they must agree with him, that it was not desirable that the influence of the crown should be increased in that House. He did not recollect any thing further that was necessary for him to say on this subject in order to induce the House to agree to his resolution. He had stated on a former night his opinion upon what was called granting remunerations, but what he considered anticipations of services. He was still of the same opinion, and looked upon such grants as a most prodigal waste of the public money. Much he had heard said of purchasing the lives of professional men, that is, of giving them a compensation for abandoning their professions. This practice he was sure could not be right upon principle, and appeared to him to be an abuse, the growth of modern times. He was glad, however, to take that opportunity of adverting to what had fallen from a noble friend in answer to some observations he had made on a former night, relative to the appointment of a learned gentleman, Mr. M'Donald, to be an American commissioner. He felt pleasure in stating, that he believed his noble friend's representation to have been correct, and that Mr. M'Donald not only had been distinguished in his profession, and

ably executed the duties of a commissioner, to which he had been appointed, but had made no stipulation whatever respecting the amount of compensation to which he was entitled for having quitted his profession: the grant and the amount of that compensation having been the gratuitous retribution of the government. Though he considered the case of this gentleman as a distinguished exception, he was no less an enemy to the principle, and entirely condemned the practice. The honourable member then moved his resolution, "Resolved that this House will, early in the next session of Parliament, resolve itself into a Committee, to take into consideration the necessity of providing further limitations of persons holding offices, pensions, sinecures, &c. and seats in that House."

Mr. Rose observed that the honourable gentleman had proposed no practical amendment to the great influence of which he complained. That House consisted of 658 members, and the measure suggested by the honourable gentleman would not go farther than to disqualify 25 of them, which was a number so small that it could not make any sensible alteration in the decisions of that House. He had occasion to state, a few days ago, that the number of placemen now in parliament, was less by 18 or 19, than it was in the year 1781. He had since found that in fact there were about 25 or 26 less than at the former period. When the honourable gentleman spoke of the unobserved influence of the crown, he certainly had forgotten, or perhaps not attended to the statement he had then made. The diminution of the influence of the crown over the members of that House was greater in respect of this, which was called the unobserved influence, than in the ostensible places. Formerly valuable bonuses in loans, lotteries, and contracts, used to be given to the members of that House; and nothing was more common than members having the profits of offices held in other names, and of which none but the ministers, or those immediately about them knew any thing. There were probably, in former times, above 50 or 60 members who thus enjoyed concealed favours from the crown. As to the king's immediate household, or grooms of the bedchamber, he had never heard of their influencing the decisions of that House. He believed that at present there was but one who was a member of the House of Commons. As to the provisions so often spoken of in the act of settlement, they were in-

mediately found to be impracticable, and that serious inconveniences would result from them; and therefore this part of the act of settlement was very soon repealed. It appeared to him, upon the whole, that if the increasing influence of the crown was what the honourable gentleman complained of, he had not pointed out a sufficient remedy.

The Chancellor of the Exchequer said, that, as the honourable gentleman had begun his speech by saying, that he could not conceive any possible objection to his motion, he therefore thought it necessary for him to give his reasons for opposing it. He considered, that if the House were to agree to the motion, it would be expressing its opinion that it was desirable to take the subject into serious consideration, with a view of diminishing the number of placemen in Parliament. He, therefore, conceived, that it would be prejudicing the question to agree to such a motion, whereas the question would not be prejudiced by their not agreeing to it. It would be open to the honourable gentleman to bring it forward as early as he pleased in the course of the next session. The honourable gentleman had stated, that at no former time was it ever argued in that House, that the crown ought to have an influence over the members of that House. Now he would venture to say, that whenever the question of reform was agitated there, it was resisted on that very ground, that practically it was of advantage to the country that the crown should have some influence in that House. Even the celebrated resolution of Mr. Dunning, "that the influence of the crown had increased, was increasing, and ought to be diminished," did not go so far as to take away all influence from the crown. As to what he had heard of a great discontent prevailing in the public mind, on account of abuses in the constitution, he did not believe the fact. It was a topic used by those demagogues who had argued at public meetings; but he did not believe it was the sense of the country. He could not conceive any good that could possibly result from this motion, and therefore he could not support it. If the influence of the crown had increased, the influence of the popular part of the constitution had increased also. The increase of wealth and independence was a sort of countervailing influence which balanced the increasing influence of the crown. He was astonished that the honourable gentleman should consider the establishment of the local militia as an increase

of influence, when he must know that he himself was not in the slighest degree influenced by holding a high commission in the local militia. The fact was, that the appointments were given, not by the crown, but from the recommendation of the lord lieutenants of counties, to which recommendation the crown had certainly a negative. Conceiving that the motion could have no other effect but to prejudice the question, he should not support it.

Mr. Tierney said, that as the resolution was now worded it would prejudice the question; but he thought with a slight alteration that objection could be got rid of. Although he was not for yielding to popular clamour, yet if the public opinion evidently set in one direction, he thought it ought not to controul absolutely the decisions of that House, but that it should induce them to consider that subject with peculiar attention. This matter, however, did not originate from popular clamour, or from any thing which took place out of doors: it was from an act of the House itself -from a report of a Committee which they had appointed to investigate this particular business. Upon that ground, he thought the House might very properly pledge itself to take into consideration, early in the next session, a report of one of their own Committees. They would be only pledged to consider the subject, but not pledged as to the manner they were to determine on it. He thought that some of the placemen mentioned ought not to sit in Parliament, but he disagreed with many people in thinking there could be no objection to sinecure placemen and pensioners who had their appointments for life. They were just as independent as any other men: and the late administration were constantly opposed by many persons of that description, and the present administration by some.

Lord Folkestone rose, in consequence of the last observation which had fallen from the right honourable member, who appeared to him to have got into a great mistake. The confusion seemed to be this: many of those who held sinecures and pensions for life, when they voted against a particular administration, conceived they shewed a great deal of independence, and that therefore they were very fit and proper men to sit in that House. This was not, however, the sort of independence which he thought should be required from those who called themselves the representatives of the people. The sort of feeling that

became a representative of the people was a common interest with the people at large. Those who held these sinecures and pensions had a different interest. They had other people to look to, to whom they were bound, if not by expectancy, at least by gratitude, and therefore they were not altogether as independent as other men, or as fit for representatives of the people.

Lord Henry Petty did not conceive that the reduction of placemen in that House would produce much effect. The increase of the influence of the crown was principally from the increased patronage in the revenue, the army, and navy, but did not operate directly upon the members of that House. He allowed that the influence of the crown had increased generally; but as to the House of Commons, in the year 1738, there were no less than 234 members who were placemen, and whose profits amounted to £.212,000 per. ann. He thought indeed that masters in Chancery and Welsh judges ought not to have seats in that House. Indeed as to the Welsh judges, he thought they should be done away with, and three additional English judges appointed instead of them.

Mr. Ponsonby stated, that before the Revolution the government was conducted out of Parliament; but since the Revolution the practice of the constitution was, that it should be conducted in Parliament, and principally in that House. It was therefore absolutely necessary to have placemen in that House.

Mr. Secretary Canning said, that he could by no means agree with the honourable mover in the premises he had laid down. He could neither agree with him, that the influence of the crown over that House had increased in a great and unparalleled degree, nor could he agree with him in supposing that it would be advantageous to reduce the number of placemen in that House. There was one part of the original argument which was now abandoned. It was no longer insisted that the number of placemen in that House had increased of late years; and it had been correctly stated by a noble lord (Lord Henry Petty) that far less than a century ago, the number of placemen in that House was in a proportion of at least five to one greater than at present. It would no longer be contended that the number of placemen in Parliament had increased, and he felt it necessary for him to state the reasons why he thought it would be improper to drive them out of

Parliament who are now in it. As it was evident that the House of Commons must always want information on some subjects from the adminstration, it was much better that ministers, and persons in ostensible situations, should be spoken to in their places, as members of that House, than be brought up to the bar as culprits. If no placemen were suffered to sit in Parliament but the ministers themselves, it would follow, that when the present generation of ministers were over, they must be succeeded by raw and unexperienced persons. This was a necessary consequence, for if those who were acquiring knowledge of the business of government in inferior departments, were to be absolutely excluded from sitting in Parliament, in what office were they to learn that necessary and constitutional part of a minister's duty, to explain to that House the motives of their conduct, and to defend their measures? If men were to be trained up for ministers in any other school besides that of Parliament, if the crown were to look for its ministers any where but in Parliament, then, indeed, there might be a well founded jealousy of the power of the crown. He knew no greater security to the people for the faithful discharge of the duties of government, than that those who held high situations should have seats in that House, and be there obliged to explain the motives of their conduct to the House and to the country. If we were now to set about contriving a plan to enable the crown to choose its ministers any where out of Parliament, such a plan would be most injurious to the liberty of the country. This was now by long habit, though not by law, the practice of the constitution, and he was convinced that it could not be changed without great public detriment. This motion would go to remove from their seats in that House many distinguished persons who held sinecure places or pensions for life, as the reward of public services performed either by themselves or their fathers. The right honourable and learned gentleman (Mr. Ponsonby) had a pension for life, and yet the present ministers had always the advantage of his vigilance and correction. There were other honourable gentlemen on the same side of the House, who, though long holding sinecures or pensions, were constantly arrayed against his majesty's present government. A noble lord, (Lord Folkestone) had talked of pensioners being bound by gratitude. The gratitude, however, of those gentlemen for the remuneration they

received for their services, did not certainly appear to be any gratitude to the crown. The right honourable and learned gentleman (Mr. Ponsonby) had spoken of his pension being conferred by an act of parliament, and not by the crown. The right honourable gentleman might therefore well conceive that it was to the parliament, and not to the crown, that his gratitude was due. If there lurked in the mind of any gentleman the idea of parliamentary pensions being granted as the reward of public services, he, for his part, would much rather forego all claim to remuneration. He did not know any course that would lead to a more lavish and preposterous expenditure. He felt satisfied that the influence of the crown over that House was gradually, but constantly diminishing. He wondered that the honourable gentleman (Mr. Whitbread), who himself held a conspicuous situation in the local militia, should consider appointments of that sort likely to influence the votes of members. He was surprized to hear that gentleman, in the language and tone of manly independence, complain that such appointments as he himself held, made men dependent on the crown. There was an old philosopher, who said he would not argue with a man who had 50 legions, and for the same reason it did not become him to argue about the influence of an appointment in the militia with a militia colonel. (*A laugh.*) But if this establishment of local militia were so very bad, and if it introduced 500 sycophants and dependents on the crown, he would ask was that great evil to be redressed by driving two lords of the admiralty out of that House? (*A laugh.*) The very small number which the honourable gentleman proposed to turn from the House was so small that it could not sensibly affect the votes of the House; but the absence of those members might deprive them of a great deal of useful information. He therefore could not by any means concur in a proposition which would appear like an acknowledgment on the part of the House, that there were too many placemen among them. If the honourable gentleman chose to argue that point next session, he might do so without being at all prejudiced by the decision of the present night.

Sir Francis Burdett said, the right honourable gentleman had quoted an old philisopher to shew that he would not wish to fight against legions (alluding to the local militia); so he (Sir Francis) must own himself under some

embarrassment in having so continually to fight against legions, over whom the right honourable gentleman must certainly have as much influence as the honourable gentleman who brought forward the motion could possibly have, as a colonel of the local militia. He thought it, however, his duty to say a few words on the subject. He was of opinion that the Commons House of Parliament ought to be a fair and full representation of the people, and certainly, as it was now constituted, it was not so. He knew the constitution only from the statute book, and he thought the arguments he had heard that night merely went to palliate what he could not allow to be a proper representation of the people. The right honourable gentleman who had just sat down, had mentioned an instance of the chancellors of Ireland. He thought it a grievance, and he could not see why the Lord Chancellor either in Ireland or England should be removed with every administration; he thought it in fact a grievance of such magnitude, that it could hardly be remedied; for, by their frequent removal, the business of the courts got so much in arrear, that it became an intolerable hardship on the suitors. He thought this measure was only a palliative, but still that it would, in some degree, be a remedy, and he would therefore support it. He always understood the executive ought to be kept distinct from the legislative; on the contrary, it was asserted, and offered to be proved, that the executive, by corruption, had great power over the legislative branch; and it had been held by the best writers on the subject, that whenever that should be the case, the constitution, however admirably framed at first, would be a mere farce. It had been offered, by a petition, to be proved that 150 persons returned a majority of that House; and, if that were really so, then there was an influence greater than the crown itself. He was clearly of opinion that prerogative was a necessary part of the constitution; but he wished to see the subject secured on these two leading points, liberty and property; and then he should have no fear of prerogative. That security never could be obtained but by a fair and full representation of the people in the House of Commons. This was his idea of the constitution; and, if it should be deemed ignorance, he must submit.

Lord Porchester objected to every idea of excluding official men from the House of Commons, yet thought at

the same time the subject should have some revision; and though he could not agree with his honourable friend to exclude all who had the ambition to enjoy official as well as parliamentary honours, yet there might be cases in which placemen should be excluded.

Mr. Ponsonby said the honourable baronet who spoke just before the last speaker had expressed his wonder why the Chancellor should be changed with the administration. He might as well have said he saw no reason why the secretary of state and first lord of the admiralty should be changed. It was a thing impossible for an administration and a Lord Chancellor to hold together who were of different political sentiments.

Mr. Ellison said, the honourable baronet seemed to see nothing but deformity in the constitution of this country. On the contrary, he thought it one of the best in the world, under which the people enjoyed the greatest portion of happiness of any nation on earth; and in his opinion, there never was a time when there was more general purity in this country, than at the present moment. He should therefore oppose the motion.

Mr. I. H. Browne expressed himself of the same opinion. He was far from thinking the influence of the crown had increased in that House; on the contrary, he thought it less now than at any former period. Unless the House saw some great remedy would be the consequence, to pledge themselves to a measure of this kind would be a delusion of the people, especially of those who wish to see placemen excluded. There were many cases, in which only a choice of evils was left. It was different here. For his own part, he knew the good effects of the present system. The country had long flourished under it, and he, for one would not easily consent to change it. The present measure he viewed as a mere palliative, which could produce nothing but delusion. He should, therefore, give it his negative.

Mr. Pole Carew thought the honourable gentleman who brought forward the motion, had laid no grounds for his proposition that should induce the House to entertain it at present. It was open to him to give a notice for the next session, but at present they had not had a fair opportunity given them to deliberate on it in such a manner as the importance of it required. He should, therefore, oppose it. (*A cry of question, question*)

Mr. Whitbread said, he would beg leave to trouble the House with a very few observations, in answer to what had fallen from some of those honourable members who had opposed his motion. He then slightly observed on what had fallen from the three last speakers, and then adverted to the speech of the right honourable secretary of state (Mr. Canning), who he supposed could not have been present at the whole of his (Mr. Whitbread's) speech, or he never would have spoken as he had lately done. So far from having an idea of excluding the members of the administration from the House of Commons, he had expressly said it was his wish that a liberal portion should be allowed to sit there. Yet there were offices from which no selection had ever been made, and there were persons in that House who were only there for the mere purpose of giving direct influence to government. His right honourable colleague who preceded him (Mr. Perceval) had said, that no such expressions had been used in former times as were on the present occasion. This he (Mr. Whitbread) denied. Could it be supposed that when Mr. Dunning introduced his bill against the influence of the crown, expressions equally strong and plain were not used? Did not that bill expressly say, that the influence of the crown had increased, was increasing, and ought to be diminished. That right honourable gentleman, however, introduced a language into that House, as to the sale of seats in parliament, which no former speaker would have endured. He was sorry to say the present right honourable gentleman, who so honourably filled that high station, was obliged to do it, for the fact had been incontestibly proved; and the right honourable gentleman had openly avowed and vindicated it; and when, from the zeal and sincerity of the House they were about to have a bill that would go a great way to put an end to such disgraceful proceedings, that right honourable gentleman came forward, and was willing the bill should preclude the landed and monied interest from purchasing seats in that House, but was very ready and anxious to give the whole monopoly to government in the way of offices, and by that means make the mischief more grievous and more extensive than ever it was before. That right honourable gentleman had taken care the people should have nothing to hope for. He had positively denied that all which the House had heard, either from peti-

tions or regular county meetings, was the opinion of the people—it was only the clamour of a set of demagogues, who wished to carry their own favourite points. But when a few ruffians armed with bludgeons, rushed upon their fellow citizens, with the cry that the church was in danger, and by their murderous cries, *(Hear, hear!)* had raised him and his colleagues to office, then it was, beyond a doubt, that they spoke the voice of the people. That right honourable gentleman hated also meetings at taverns, and yet he did not hesitate to defend his right honourable colleague for having attended a tavern meeting, and there declaring the sentiments of ministers on questions of a public nature put to him by the chairman. Mr. Whitbread then said, there were some who held at present official situations, who, he should think, might severally be dispensed with from a seat in that House. One was the right honourable gentleman opposite to him (Mr. Rose), who, he was afraid, he must agree to part with; not because he was treasurer of the navy, but as clerk of the House of Lords. The right honourable gentleman was liable to be called away by the lords, and therefore, rather than he should be taken from them at a time when they would not wish to part with him, he thought it would be best to provide that the clerk of the parliament should not sit in the House. He thought the masters in chancery should also be excluded, and he was not clear whether it was proper for the master of the rolls to have a seat. He adverted to the statute of Anne, and the statute George I. by which all officers in the administration were put out of the House, and said, that by Mr. Burke's bill, the third secretary of state was excluded from a seat. It might be practically beneficial to diminish the seats of officers of government in that House, not in order to diminish the talents in the House, but to take away a dead weight from it. He viewed this measure in a different light from the honourable baronet. It was true, indeed, it was but a palliative, in comparison of a reformation in the House of Commons; but if that was not to be obtained, such a palliative was better than nothing. The honourable gentleman touched on several other topics, and concluded by saying, that whatever might be the fate of his motion, he could not but derive great satisfaction from the reflection that in bringing it forward he had conscientiously discharged his duty.

The House then divided.

For the motion - - - - - -	54
Against it - - - - - - -	11
Majority - - - - - - -	—59.

COMMITTEE ON THE THIRD REPORT OF THE COMMISSIONERS OF PUBLIC EXPENDITURE.

Mr. Martin called the attention of the Committee to the nature of sinecure offices in the courts of law; and after several observations on the third report, he then moved his second resolution, expressing the necessity of revision and reform in certain sinecure offices.

The Chancellor of the Exchequer then rose and proposed a resolution with some verbal alterations from Mr. Martin's, to which the latter gentleman acceded, and withdrew his own. The Chancellor of the Exchequer's was then put.

Mr. Bankes thought every unnecessary office ought to be abolished, and that the salary of any office executed by deputy, ought to be reduced to that actually paid to such deputy. He proposed an amendment to that effect.

The Chancellor of the Exchequer objected to the amendment, as going to abolish all sinecures, for whatever purpose granted, which would take away the means of rewarding merit from the crown.

Mr. H. Thornton supported the amendment.

After some further discussion, the resolutions were put and carried in the negative, without a division, and the report was ordered to be received on Tuesday next.

The House was then resumed, and Mr. Giddy reported progress, and asked leave to sit again on Tuesday.

Adjourned.

HOUSE OF LORDS.

FRIDAY, JUNE 9.

The office sale prevention bill was reported by Lord Walsingham, and the amendments agreed to.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, JUNE 9.

A message from the Lords, signified their lordships' as-

sent to several bills, also that their lordships had passed a bill to prevent wanton cruelty to animals, to which they desired the concurrence of this House. The bill was read the first time, and ordered for the second reading on Monday.

INDEMNITY PECULATORS.

Mr. Foster moved the order of the day for the third reading of the Irish revenue regulation bill; and the question having been put that the bill be now read the third time,

Sir John Newport rose to resist a clause in this bill, to which he thought it impossible the House could give their final assent, if they were aware of its object. It was no less than a grant of full amnesty and indemnification to all the excise officers in Ireland, who had for a series of years past, in direct violation of their duty and their oaths, been plundering the revenue of that country (as appeared from the reports of the Irish committee of inquiry) of no less a sum than 850,000*l.* a year, by taking bribes from the distillers for conniving at their evasions of the duties upon their manufacture, and thus combining and colluding with them to defraud that revenue of which they were the sworn and confidential officers. If such a clause were allowed to pass, he was sure it would so far operate as a sanction and encouragement to fraud, as to create a necessity for another clause of indemnity in a year or two hence.

The reasoning upon which the right honourable Chancellor of the Exchequer for Ireland supported this clause upon a former night was, that the salaries of the excise officers in Ireland were inadequate to their maintenance, and therefore exposed them to the temptations of bribery to betray their duty; but that their salaries being now raised, there were of course to be no more frauds in future. But he (Sir John Newport) could not admit for a moment that fraud could be justified upon any such plea in a revenue officer, guilty of a violation of his oath and his trust, which would be scouted in any court of criminal judicature, if offered in excuse by a highway-man, or a house-breaker, where no trust was reposed. The right honourable gentleman pleaded the notoriety of such frauds in almost every branch of the revenue, as a necessity for this indemnification; and a recent instance had occurred

in the House, by which it was shewn that an officer in high situation (Mr. Hill) was not only indemnified for past offences, but sanctioned and encouraged by still higher promotion, though his guilt was established by his own confession: and now came this clause to extend indemnification to the whole corps of such delinquents. With such a clause the bill would be a statute of pains and penalties against the public, and of protection to malefactors; for one clause in the bill denounces the most enormous penalties against any person who shall offer a bribe to a revenue officer; and yet it concludes with a clause to indemnify all revenue officers who had taken bribes in the most flagitious way for betraying their trust, in direct violation of a bill which had passed the House so recently as the year 1806, expressly to prevent such frauds. No Parliament, he declared, had ever passed such an amnesty as the present; and if the House should now sanction by its protection a class of men guilty in numberless instances of such flagrant transgressions, such proceeding must be fatal to the public interest, and highly injurious to the public morals. The right honourable baronet concluded by moving, "that instead of now, the bill be read a third time this day three months."

The Chancellor of the Exchequer hoped, that as the objection of the right honourable baronet were directed solely against a particular clause in the bill, he would be content to take the sense of the House upon that clause, instead of opposing the whole bill.

Sir John Newport had no wish to defeat the whole bill, and was satisfied to rest his opposition upon the final clause.

Mr. Foster denied that the clause was intended for such a purpose as that of sanctioning defaulters. It was merely a clause in compliance with a conditional promise made to certain officers, of whose guilt there was no practical proof to be obtained, but who, on the condition of indemnity, had fully acknowledged the facts, and explained how a repetition of such fraud might in future be prevented. He had himself before, repeatedly stated to the House, that the pay of the excise officers in Ireland was too small for their maintenance, and consequently exposed them to the temptation of bribery from brewers and distillers, over whose works they were placed in the way of

ther duty. Such were the temptations held out to them, that they had not the fortitude to resist: and so universally and notoriously did the traffic prevail amongst every description of excise officers in every part of Ireland, that the frauds upon the revenue were to an incalculable amount. This appeared upon examination before the commissioners of inquiry in Ireland. It was, in fact, so generally the usage, that the excise officers conceived there was no crime, or breach of duty, in a matter at which they supposed their superiors connived, in consideration of the known inadequacy of their salaries to their maintenance. It was recommended by the commissioners of inquiry, as the best means of rendering those officers honest and faithful for the future, that their salaries should be increased; and as the defalcations were almost universal, and committed almost without the consciousness of criminality, it was proposed, that an amnesty should be given for all that had passed, upon the strong assurance that under the increased salaries, no such acts should take place for the future: or if they did, that they should be instantly followed by dismissal and the severest penalties. What would be the obvious consequence of rejecting this clause? Why, that these men would be placed in the power of those very brewers and distillers, at whose frauds they had heretofore been induced by bribery to connive, and who might again drive them to new connivances and frauds by the threats of prosecutions, fines, and penalties for former acts, the proofs of which were in their power and thus render the bill nugatory, and expose the revenue to a repetition of all those frauds it was intended to prevent.

Mr. Horner expressed his astonishment, that a British House of Commons should be called upon to pass such a clause; but he was still more astonished at the motives for it urged by the right honourable gentleman, namely, the universality of the offence in every department of the revenue of Ireland; but most of all at the circumstance of continuing in their places, and renumerating by advance of salaries, the very officers who, in breach of their trusts, and of their oaths, had been one and all, avowedly, and for a series of years, defrauding the revenue, and combining and colluding with others to defraud it. Was there no possibility of finding any other men in Ireland with honesty and ability enough to fill the place of these men?

If such a fact were possible, but which he could not believe, then there should be men sought in some other part of the united empire.

Mr. Foster explained, by saying, that these frauds were not chargeable on all the branches of the revenue, but merely on the excise—that the act of 1806 limited the time of prosecution for all crimes designated there, to three months after the fact; that the indemnity proposed by this bill came down no lower than January, 1808; and that for all such offences, since committed, the parties would still be liable to a prosecution.

Mr. Banks was astonished at the introduction of the clause before that House, so contrary as it was to every principle which a British Parliament had been used to respect and maintain. He regretted that it should have the support of his right honourable friend the English Chancellor of the Exchequer, and begged to ask what the House would think if such a clause were proposed in that House, to indemnify and protect the excise officers of this country, if it was known that they had entered into combinations to defraud the revenue. These latter would have been instantly dismissed to a man, and others found to fill their places. He was surprized to hear from the Chancellor of the Exchequer of Ireland, that persons who had been guilty of all those frauds, were not only retained in their situations, but even their salaries had been raised, in the hope of securing their honesty and fidelity for the future. This he conceived to be a project totally hopeless; and he should have preferred, for the public advantage, their instantaneous dismissal, and the filling up their places with other men, however simple or moderate their abilities, against whom at least government had no experience of their dishonesty, to the continuance of men whose crimes for a series of years were avowed and even vindicated, and sanctioned by those whose peculiar duty it was to watch over the revenues of Ireland. Of the affairs of that country he was sorry to say, that the more they were investigated the more loudly they seemed to call for the correcting hand of that House. It was not wonderful that the people murmured at the increase of taxes, if that increase arose not from any necessity founded on the inadequacy of the taxes already imposed, but to make up for the frauds of revenue officers, who, instead of being dismissed and punished, were retained and indemnified.

Sir Samuel Romilly spoke on the same side. He expressed his wonder that such a clause should receive the sanction of the right honourable the Chancellor of the Exchequer, contrary as it was to all the principles usually respected in that House. It was unsupported by any precedent in former amnesty bills; for it went to extend pardon not only to the comparative few who appeared to have acknowledged their guilt, but to the thousands who never make any acknowledgment at all; so that the House had no mode of measuring the indefinite extent of criminality which they were called on to vote. It was a direct attack on public morality, and holding out encouragement to the revenue officers in England, to commit the like offence, for surely it was quite impossible the right honourable gentleman opposite to him would follow up with pains and penalties, the same class of persons in England for frauds on the revenue, in violation of their trust, or even against poor wretches defrauding the revenue, otherwise having no place of trust, but equally pleading the inadequacy of their incomes to the support of their families; while the revenue officers of Ireland, notoriously, and for a series of years, guilty of such frauds, were to be indemnified, protected, retained in their places, and ameliorated in their circumstances. He trusted that House would never disgrace itself by the adoption of such a clause.

The Chancellor of the Exchequer was somewhat surprized at the indignation assumed by his right honourable and learned friend at this clause, after the explanation which had been given; and spoke at some length in support of the clause upon the same ground as Mr. Foster. No man, he said, could for a moment seriously suppose that the clause was intended to sanction corruption or criminality, but merely to prevent the recurrence of similar abuses, without that inconvenience to the public service which the immediate dismissal of all the excise officers in Ireland must occasion.

Mr. Calcraft spoke of the clause in the strongest terms of reprobation, and asked, would the right honourable gentleman venture to propose such a clause to that House in protection of the revenue officers of England, if they had been guilty of such crimes. He was a good deal astonished at several of the measures which had passed that House in relation to Ireland, since the administration of

the right honourable Chancellor of the Exchequer for that country commenced; but he owned this proposition surprized him more than all the rest, supported as it was by the speech and vote of the right honourable gentleman (Mr. Perceval). To continue those fraudulent officers in their places, not only indemnified and protected, but rewarded and encouraged, was beyond every thing he had ever witnessed; and this too, upon the pretence that men could not be found in Ireland to fill their places. He could not credit the assertion; he knew of no extraordinary talents it required to do the duty of an exciseman. But if no men fit to do these duties were to be found in that country, they should be imported from some other. It was ridiculous to suppose that men in the habit of living by their frauds, at four or five hundreds, or thousands a year, could be rendered honest by the addition of thirty or forty pounds to their salaries.

Mr. Marryat gave ministers credit for the best intentions in this clause, but thought they would be wofully disappointed in the result. In relation to the continuance of those fraudulent officers, with the hope of reform, he should be guided by the old proverb—"Never trust a reformed drunkard with the key of the cellar."

Mr. Hutchinson spoke against the clause.

Mr. Croker defended the clause, and said there was no alternative but an immediate dismissal of all the excise officers in Ireland, and the abandonment of the revenue. He would not have voted for it, if it was to defend *corruption*.

Mr. Babbington spoke against the clause.

Mr. Windham was ready to admit, that if the fraudulent officers must necessarily be retained, the clause ought to pass of course; but he denied the necessity, and consequently must oppose it. Not only did he reprobate the idea of indemnifying men who had so grossly betrayed their trust, and defrauded the revenue, but that of retaining those men in their places, after the avowal and proof of such fraud. It taught those men to laugh at government, to set them at defiance, to believe that government could not do without them, and, of course, could not dismiss them; and, under such feelings, was it to be expected such men would, for a trifling increase of salary, forego the temptation of gaining five times as much by fraud? And what

sort of picture was this to hold out for their brother revenue officers in England?

A division having taken place, the clause was rejected by a majority of 47 to 41.

NOTICES.

Lord Henry Petty withdrew his notice respecting the instructions transmitted to Mr. Erskine relating to the affair of the Chesapeake, as did Mr. Barham his relating to the reduction of the representations of the governors of the colonies on the subject of the depreciation of colonial produce.

Mr. Whitbread said, that it appeared from papers on the table that the storekeeper of the magazine in Hyde Park never filled any military office, and he also understood that he was in possession of a sinecure office. He trusted that he would be removed before the next session: if not, he should feel himself obliged, in justice to many deserving officers, to make a motion to that effect.

INDIA PRIVATE TRADE.

Mr. Prendergast rose to submit to the House a motion for papers which he had made the other day, but which had been withdrawn upon a point of form. As he had before explained himself sufficiently upon the subject, he saw no necessity for entering into it at any great length at this time. He maintained that his statement had not been overturned by any thing that had fallen from the honourable chairman (Mr. Grant). He had stated the law and applied it to the fact, and on both points he was perfectly correct. The honourable chairman had said, that he had derived his information from a memorial of some interested persons. He denied this, and observed, that he had not seen that memorial till after he had given his notice. The honourable gentleman then entered more particularly into a statement of the grievances under which the private trader laboured, from the conduct of the directors. He read the order which they had sent out to India, in 1803, as to the rates of freight with which the private merchant was to be charged—which were, 11*l.* per ton during peace, and 14*l.* per ton during war. This rate was acted upon by the merchants,

in their arrangements. No other order had been made on this subject till the 10th of August, 1805. The honourable chairman had said, that this was the rate fixed during peace, but that a period of war altered the circumstances—and that an order had been immediately sent out to fix a higher rate. This the honourable gentleman denied, and asserted that, on the contrary, an order had been published, in 1803, confirming the same rates of freight that had been established in June 1803. The merchants, considering these as binding upon the company, had made their arrangements accordingly. The honourable chairman had stated, that no extra ships had arrived in India in the year 1805-6, because these ships had been turned aside from their destination, for political purposes, over which the directors had no controul. But this was one of the hardships of which the private merchants particularly complained. They were unable to procure a supply of ships independent of the company. They made their arrangements in reliance upon the company; and then, when they most wanted vessels, the ships were taken away for political purposes, leaving the merchant completely in the lurch. This was an extreme hardship, and one to which the private merchant ought not, in any view, to be subjected; but more especially when the company, by the act of 1793, was bound to afford every facility and accommodation. The honourable gentleman next stated, that in 1806 it so happened that the company had some spare tonnage in their regular ships, and in these, therefore, the property of private merchants was conveyed from India to this country. The private merchants of course thought that as they had no alternative, they would only be subject to the rates of freight which the company had promulgated. But when the goods arrived in this country they were charged with 4*l.* per ton, which, as the directors had the power of exacting in their own hands, the merchants were forced to pay! He had before called this injustice and oppression, and he would now add that it was fraud likewise, because the directors had employed the power which they possessed to violate their own agreement, and to disappoint the just expectations of the private merchant. Mr. P. proceeded to observe, that from 1805 till July 1807, no other advertisement had been published; and consequently, in the year 1806 and part of 1807, the private merchants naturally

concluded that they would be permitted to convey their property at the old rates. But to all this the honourable chairman had replied, that a specific bargain had been made by the merchants with the government of Bengal. He (Mr. P.) himself was on the spot; he was a good deal interested, and yet he had heard nothing of any such bargain. He then remarked, that the directors had written to the governor-general in 1807, fixing the rates for the previous three years. The honourable gentleman read the rates—season 1804, 30*l.* per ton in regular ships—season 1805, 32*l.* per ton in regular ships, and 22*l.* in extra ships—season 1806, 26*l.* per ton in extra ships, and 30*l.* 10*s.* in regular ships. Not satisfied with the agreement which they had made with the Chancellor of the Exchequer, for the accommodation of the private trade, they had sent out orders to their government in India to charge these high rates of freight there, while here, by the strong arm of power, they charged treble the rate which they themselves had fixed. An honourable gentleman below (Mr. Wallace) had, on a former occasion, characterized his conduct as unjust; but when the House considered the facts which he had now stated, he was satisfied it would allow that he was fully warranted in retorting the accusation, and in saying that the proceeding of the honourable gentleman was not only unjust, but marked by a total ignorance of the subject on which he had spoken. Mr. P. then adverted to the propositions which the directors had made to the Chancellor of the Exchequer, in which they had stated their readiness to afford the private trader every accommodation, and to allow him freight on the most reasonable terms. This obligation they had violated, and had subjected the private trader to the consequences of the prodigality with which they managed their concerns. But he maintained, that they had no right thus to waste the property of their constituents, and of the public, upon whom their debts must ultimately fall. He had laid before the House facts which it was impossible to controvert; and his statement, he contended, was in no respect either unjust or erroneous. He concluded by moving, that the copy of the memorial of the directors to the treasury, in 1797, some time ago presented to the House, should be re-printed, &c. &c.

Mr. Dundas observed, that the observations of the honourable gentleman were premature, as the act of 1793,

and the other matters, would come under consideration, when the House was furnished with all the requisite information on the subject. These papers would not comprehend the whole of the question, and it was not therefore upon them alone that it ought to be discussed. He blamed the honourable gentleman for censuring the conduct of the directors, before the necessary documents were before the House.

Mr. Wallace maintained, that though the principal facts stated by the honourable gentleman were correct, the inference which he drew from them against the directors was wrong. The honourable chairman had stated, that after the extra ships had been diverted from their intended destination for political purposes, the merchants themselves had requested to be allowed to ship their goods on board the regular vessels, upon payment of the same rate of freight as the company paid, which was 44*l.* per ton; and yet this favour was converted into a charge of oppression and injustice. He wished the honourable gentleman had condescended to explain one fact. The private merchants themselves, as ship owners, had let their ships to the company at from 19 to 21*l.* per ton. How then could they expect that the company should be able to re-let their own ships to them at 14*l.* per ton? The real state of the case was, that as to the charge in 1804, orders had been sent out after the advertisement to raise the rate on account of the war. The orders did not arrive in proper time, and the result was, that the directors had settled the account at 14*l.* according to the original advertisement.

Mr. Grant repeated what he had formerly said, that the House could not properly come to a decision upon those points, till the whole of the circumstances came before it. The agreement in 1793, he observed, went no further than furnishing the private merchant with 3,000 tons of shipping. He next gave a short history of the transactions between the company and the private merchants. The company had resisted the project of carrying home produce in India built ships, but in 1802 an arrangement was made by which the company engaged to furnish the private merchants with English built ships, subject to the regulations of the company, at the low rate of 14*l.* per ton. But when the war commenced, it was necessary to raise the rate of freight, and orders were sent

out to raise it to 2*l.*; but it having been stated that it had been already signified to the private merchants, that the rate would be only 14*l.* for the year 1804, the directors acceded to this. As the war continued the expence rose, but still the charges were within what the company themselves paid. His honourable friend (Mr. Wallace) had truly stated that the merchants themselves had charged the company at the rate of from 19 to 21*l.* in 1803; and how could they expect to be supplied cheaper? As to the want of shipping at a particular period, he repeated that this had arisen from the vessels having been detained at Cork, Madeira, &c. for political purposes; and it was impossible that the company could either controul this; or be ready with vessels to meet such an accident. In the year 1805 the private merchants had been furnished with tonnage in the regular ships at the rate paid by the company, and what more could they expect? There was no law or convention in this case that could give the character of injustice to these transactions. As to publications in the gazettes in India, he could not answer for these; but he could aver, that here the extra ships, in 1805-6, were charged at only 14*l.* with some exceptions from particular circumstances.

Mr. Howard observed, that the evil arose not from the directors, but from the nature of the system. The obstruction, however, to the trade was a most serious matter. The best plan would be, to allow the private merchants to provide their own ships; to be employed, however, under the inspection of the company. The present system had a tendency to force British capital into the foreign India trade. If the same facility was allowed by this country, he was persuaded that the whole of the India produce would find its way into the Thames, on account of the greater security. He next adverted to the admission of the president of the board of controul, last year, that the account between the public and the company might be considered as settled, by the payment made to the latter of the balance of 1,500,000*l.* last year. But he now found that the company claimed nearly a million more. He also adverted to some improper practices with respect to the native troops in India—such as the choosing of twelve men from every grenadier company to form an ornamental corps.

Mr. Dundas admitted that he had allowed that the ac-

count between the company and the public had been closed, with respect to the articles which they had under their consideration. Still, however, the company might prefer a claim, but there might be also a claim on the part of the public to meet it, and till the Indian regimental accounts were audited, it was impossible to say how the matter exactly stood. As to the practices respecting the troops, he had good reason to believe that the honourable gentleman was mistaken.

Sir H. Montgomery made a few observations, but in so low a tone of voice, that we could not catch even the substance.

Mr. Moore contended, that every paper ought to be laid on the table that tended to throw any light on the state of the India trade. The trade to India was the best trade we had. He strongly objected to the notion, that the question was not to be discussed till the company came to the House for a renewal of their charter. If no information was to be given till then, the private merchants would be left completely in the dark, and very hardly dealt by.

Mr. Prendergast observed, that he stated facts from unquestionable authority. The honourable chairman had said, that the company was by law obliged to furnish only 3000 tons of shipping. He had understood, however, they were obliged to furnish as much as the private merchant might find necessary to carry home his produce. He always understood that the quantity was to be regulated by the demand. The act on that point spoke for itself. He was surprized to hear the honourable chairman say, that the extra ships were only charged at the rate of 14*l.* per ton, at the very time that he himself had stated them to have been carried away upon some political expedition. He denied having ever heard of the bargain with the government of Bengal, to which the honourable chairman had alluded, and remarked, that no reply had been attempted to his statement of the rates of freight, that had been ordered in 1807.

The several motions were then put and agreed.

INDIGO TRADE.

Mr. Prendergast next rose to move for documents connected with the indigo trade carried on by the honourable chairman (Mr. Grant), in opposition to a bye-law of the

company. This he represented as very improper in one who had to act in a judicial capacity upon the cases of persons concerned in the same trade. This practice in any director, but especially in the chairman of the court, had a tendency to loosen the bands of that respect which was due to so high an officer. He concluded by moving for a copy of the usual oath taken by the directors when admitted into their offices, for the bye-law, &c. &c.

Mr. Grant stated, in his defence, that he was proprietor of an indigo estate in the East Indies; that he had greatly promoted the manufacture of the article, till it now became the best of the kind in the world; that when he came into the direction there was no law on the subject; that the matter, however, having from different causes been taken up by the proprietors, he had stated his case to them; that the directors had passed a resolution that his case did not come under the law; that this resolution was confirmed by two courts of proprietors; and that the oath had nothing to do with the matter, because it supposed, in the terms of it, that a director might carry on a private trade, but that, at any rate, his receiving in this country the produce of his India estate was not properly a commercial transaction. Nevertheless, he had no objection to the granting of the papers.

Mr. Dundas, Sir John Anstruther, and Mr. P. Moore observed, that there was, in fact, not the slightest ground of charge against the honourable chairman—and that if there had been any such, the directors and proprietors were the proper persons to consider it. The House had no jurisdiction. The matter, therefore, rested upon the bye-law, and with that, even supposing the case within it, the makers had a right to dispense.

The question as to the oath, it was discovered, could not be put, as it formed part of an act of Parliament. Mr. P. wished to withdraw the other motions. Mr. Perceval said, that as they had not been read by the Speaker, they could not be considered as having been put. If they had, the House would in justice to the honourable chairman, have found it necessary not to permit their being withdrawn, but would have been bound to give them a direct negative. Mr. Perceval said, that as it appeared to be the general sense of the House, that this was not the proper tribunal, he wished to have them considered as not put.

SEATS IN PARLIAMENT BILL.

On the motion of Mr. Curwen, the House proceeded to the order of the day, for the further consideration of the report of the seats in parliament Bill.

On the question, that the amendment be read a second time,

Mr. G. Johnstone stated, that having some further observations to make upon this measure, he should reserve what he had to say till the question should be put that the bill be engrossed.

After a short conversation between the Chancellor of the Exchequer, Mr. Bankes, and Lord Porchester, the House resolved itself into a Committee to reconsider the bill, so far as related to the first clause.

In the Committee the Chancellor of the Exchequer proposed, as an amendment to that clause, that a penalty of 1000*l.* should be imposed upon any person, who obtained his seat by purchase with money, or by a promise to give money, &c. for any city, county, town, borough, stewartry, or cinque port, together with a disqualification to sit in the same place for which he should so corruptly have procured himself to be returned.

This amendment was agreed to, after a short discussion, in which Mr. Bankes, the Chancellor of the Exchequer, Mr. Ponsonby, the Solicitor General, and Mr. Tierney participated. The report was then brought up, when Mr. Bankes moved an amendment to the amendment adopted in the Committee, that the disqualification should operate as to the whole of the Parliament, to which such undue return may have been obtained. A short discussion ensued, when a division took place,

For Mr. Bankes's amendment -	49
Against it - - - - - - -	71
Majority - - - - - - -	22

The House was then occupied in going through the various amendments of the bill.

Lord Milton moved, that the word "express" should be left out of the bill. The effect of leaving that term in the bill would be to augment the baneful influence of the Crown and Parliament, by throwing into the patronage of

the treasury all the boroughs of the kingdom. But the bill had been so mutilated in all its parts, and was so ill calculated to effect its objects, that although he might succeed in persuading the House to leave out the term to which he objected, he should still feel it his duty to vote against the bill.

The Chancellor of the Exchequer contended, that if the word objected to by the noble lord were to be left out, no person who might be returned after a contested election could have any security, if he had at any time procured an office for a friend, that it might or would not be charged upon him as having been obtained with a view to the election. He was therefore of opinion that the word should stand in the bill.

Lord Porchester thought that nothing could be more puerile, or preposterous, than the bill with this expression in the clause. He contended, that neither a jury, nor a Committee of that House, on their oaths, would put any but the fair construction upon such grants. It was, in fact, required of them to give that confidence to ministers, which they were not to give to the courts of justice, and to Committees of that House. If they should adopt the clause with this word in it, what would the country think of them, but that they gave not only a pre-emption but an exclusive right to the treasury, and that too at a time when they professed to do away the practice of disposing of seats altogether? If they should not get rid of the word, he thought that they ought at least to get rid of the clause.

The Solicitor General argued at some length in support of the clause as it stood. He did not think that any danger could result from its operation, because the administration could not possibly have at their disposal places enough to barter for all the seats for boroughs; but if they had, they could not do better than to give them to the friends of their opponents, and then they might get rid of them altogether. On the whole, he thought the particular wording of the clause absolutely necessary to the efficiency of the bill to its object; because the great purpose for which it had been brought in was to prevent the wholesale disposal of seats in that House for money.

Sir Francis Burdett thought the bill itself so nugatory, that he felt no interest for its success; but he thought the zeal of the learned gentleman who spoke last

had got the better of his prudence, as a member of the government. While he was arguing so strenuously against the amendment, he was always supposing such a corrupt state of things to exist, as absolutely made it necessary for something to be done. The whole effect which his speech produced upon his mind was to make him think that the amendment against which he argued ought to be adopted. He seemed to take for granted, that the existence of administration was only to be preserved by corruption, which was precisely what this bill proposed to counteract. As to the distinction which had been taken between giving money and giving an office for the purpose of obtaining a seat, he was so far from agreeing with it, that his opinion was directly on the other side. The learned gentleman had said, that offices might be given innocently, but money never could, and the guilt must necessarily attach to the person giving money. He would allow that giving money was now prohibited, and therefore it was illegal; but if it was not that it was prohibited by law, he could not not see how more guilt could attach to giving money than to any other species of corruption. He thought that of all species of corruption it was the most innocent. If those boroughs must be still kept open for the purpose of traffic, it was the least mischievous mode of trafficking. He knew that it was a common saying, "the man who buys supposes that he has a right to sell," but he also knew many instances of persons who purchased their seats with the intention of acting independently, and who did so act. A member who comes in as representative of his own money may act independently if he will; but those who are returned by the corruption of office, come into the House bound, as it were, hand and foot, and have not the power of acting independently. As to the pensioned Parliament of Charles the Second, that had been so often thrown in the teeth of the Tory administration of those times, the excuse given was, that such was the modesty of those times, that many would accept a pension secretly who would be ashamed to hold an office. In the present times it was also known, that many would accept a bribe, when gilded with the name of an office, who would be ashamed to take a bribe in money. He therefore thought, that, of all manner of corruptions, corruption by offices was the worst and most dangerous. As to the influence of the crown, he always

thought, that the monopoly of the borough-mongers was as injurious to the legitimate rights of the sovereign, as to the interests of the people. The argument of the learned gentleman (the Solicitor General) had been defective in supposing that it had ever been represented that all the seats in Parliament could be purchased directly by offices. What had been said was, that the patronage of the ministers would, when all competition was taken away, have a preponderating influence in the boroughs. Every body, however, knew that the patronage of ministers went much further than the word officers expressed. Government had patronage enough not only to purchase a majority of seats in that House, but to purchase almost the whole of them if they thought proper. It was from the speech of the learned gentleman, in arguing against it, that he was convinced that the amendment was proper.

Mr. Wilberforce said, that the inconveniences which would follow from not adopting the amendment, appeared to him to be far greater than those which would follow from rejecting it. If this word "express" were inserted in the bill, then it would be found impossible to convict any body under the strongest and clearest circumstances, to prove that guilt which the object of this bill was to guard against. He thought that when money was excluded from the market, offices, titles, and other favours which ministers had to bestow, would be more operative. If it were once laid down that money might not be given, but that offices, contracts, and such might, it could not be denied that these considerations were equally corrupt, and ought equally to be guarded against. He did fear that this one word "express" would do more to increase the influence of the treasury than the rest of the bill would do to diminish it.

Sir W. Lemon was ready to agree in any measure for reforming the existing corruption, but must vote against the clause, if the word "express" were retained.

Mr. Curwen thought that the adherence of gentlemen to this word, did call very much into question the sincerity of their offers of supporting the bill. It appeared to him that this would defeat the main object of the bill, which was to rescue the character of the House, and gain the confidence of the people. He thought the people would construe this clause as a mode of protecting that corruption, which it was intended to destroy. He certainly did

think that the corruption of money was of all others the most debasing, but he contended both against the corruption of money and of office. If he could however remedy only one of them at present, he thought it was an object gained of too much importance to abandon the bill, even though loaded with clauses and provisions of which he did not approve.

Sir John Newport said, there was a double disadvantage in the corruption by office. The office was badly discharged, and the country had neither an independent member, nor a good officer.

Mr. Grattan thought, that if the bill only excluded corruption by money, that it would not only be defective but objectional. He should, however, support the present bill, notwithstanding all its defects. He supported it principally, because by its preamble it declared what was before the common law of this country, but which is practically fallen into disuse. It declared that it was contrary to law for money or offices to be given for seats in Parliament. After that declaration, if ministers should be detected in giving offices for such purposes, they could not (as in a recent instance) escape with impunity.

Mr. Secretary Canning agreed with what had fallen from the right honourable gentleman who spoke last. He thought that it was of the utmost importance to the House and to the country this bill should pass. Compared with the advantages of passing such a bill, he thought the objections to any particular clause or amendment were unimportant. The principle of the bill was of more value than the details, and yet it appeared to him that the attention of the House had been this night distracted from the principle in the consideration of the wording of this amendment. If they were to look at the history of the bill, they would find that it originated in considering the broad fact of persons obtaining seats in that House by the payment of a sum of money. Another case afterwards arose in the course of the debate, of offices being transferred for seats. If then, the House were now to provide remedies for the two cases which had been so stated, it appeared to him that they would have fully discharged their duty. The whole object of the clause introduced by his right honourable friend (Mr. Perceval) was, that the House should take care, while they punished the guilty, not to spread a net which might catch those who had dis-

posed of offices with the most innocent intentions. He could not agree with those who thought that this clause having the word "express" in it, so vitiated the whole bill as to make it useless. He was sure that his right honourable friend who introduced it could not have intended it as a screen or protection to himself, for no man could be freer from suspicion of such practices; but the danger of punishment was not so much for those who gave offices as those who asked for them and obtained them. If this opinion of implied contracts were to prevail, a minister must no longer consult his friends upon appointments to office, but must go among the ranks of his political enemies, to consider who had been most decidedly hostile to him either in private life or in public, that he might venture to give him a place without suspicion of looking for a vote. We would soon see it in the papers that on such a day a gentleman went over to the other side of the House, and made a furious attack upon ministers, for the purpose of qualifying himself to hold a high situation. (*A laugh.*) Suppose, for the sake of argument, his honourable friend, the member for Yorkshire (Mr. Wilberforce), should make application for some important situation, he would say, the appointment of receiver-general for a friend of his, the ties of private friendship and respect must cease to operate; and the minister would be reduced to a sort of cathechism like this, "Pray, Sir, did he ever get any votes for you at the election?" No. "Did any of his friends, relations, or connections, vote for you?" No, not to my knowledge. "O then I can safely give the place." (*A laugh.*) This would be the awkward situation to which ministers would be reduced. It was impossible that any minister could be personally acquainted with all the men that it was necessary for him to place in offices. He could only take the recommendation of his friends, and of those gentlemen who, from their local situation, were acquainted with the persons, or their fitness for the offices to which they recommended them. If local influence was to be altogether abolished, it would be necessary in every office as well as in the excise, to transplant men from Lancaster to Cornwall, or the most distant parts of the kingdom, in order that they might have no local attachments, nor the power of obliging any one by a vote. He hoped, that notwithstanding the parental feeling which the honourable gentleman (Mr.

(Curwen) might be naturally expected to entertain for his bill, he would not altogether abandon it on account of this alteration.

Mr. Whitbread said, that if the object of the right honourable gentleman (Mr. Canning), was merely to entertain the House, and shew his great command of the English language, he certainly had accomplished that object, as he had amused the House, and shewn his power of words; but if he expected to convince any single member of that House that the word "express" ought to be suffered to remain in the clause, he had completely failed. He concluded by saying, he hoped the honourable gentleman (Mr. Curwen) would have too strong a parental feeling for his bill to abandon it. Although the original bill might be called the child of the mover, yet if that child had been changed, and another put in its place of very different features and complexion, he did not see that any parental feeling called upon him to adopt what was not so much his own child as the child of the right honourable gentleman on the other side of the House. He thought light and darkness were not more opposite than the principle of the original bill, and the clause which was now proposed to be amended. As to the history of the bill, he must beg leave to set the right honourable Secretary right. It did not originate from a discovery that seats had sometimes been obtained for a sum of money, but it was the time that the right honourable gentleman (Mr. Perceval) was bringing in his bill against brokers trafficking in places and offices, that his honourable friend had proposed to introduce a clause against trafficking for seats in Parliament, which it was afterwards thought better to bring forward in the shape of a separate bill. The necessity of some sort of a bill to prevent this corrupt traffic was made most evident by the specific and unmistakeable transaction of Lord Castlereagh. He considered that that decision would remain on the records of the House, a lasting memorial of the intention of the House to screen delinquents. After that transaction, it was impossible that his honourable friend (Mr. Curwen), should not have the corruption by the grant of offices fully as much in his contemplation, as the corruption by money. If the right honourable secretary (Mr. Canning) would now lay aside all the fanciful suppositions and extravagant conceits with which he had amused the House, and come

to sober reasoning on the subject, he thought it was impossible for him to say, that such a case as he had supposed for his friend (Mr. Wilberforce), or such topics as he had urged, could by any possibility have the least weight before any Committee of the House, or any jury, or any man, upon his oath. A right honourable and learned gentleman (the Solicitor General) had stated, that if the word "express" was not to stand in the clause, the table of the House would be covered with petitions, which would have no other foundation but some of these implied contracts. Now he would tell that right honourable and learned gentleman, that if he happened to argue professionally against the petitioners under such circumstances, he need not exert much of his zeal, or much of his eloquence, to persuade the Committee that such petition should be rejected as frivolous or vexatious. This being the case, the evil so much feared, of the table being covered with frivolous petitions, would be able to correct itself. As for the supposition of the ministers ever being obliged to go to their political enemies to recommend them persons to fill offices, that supposition could have been only made to produce a laugh; for he would venture to say, that if any of the opponents of the ministers were to recommend a person for a place, ministers would always shew sufficient firmness to resist such a recommendation. The alterations which had been made in the bill were in its most important and efficient parts. In the first place, the House could not bear that its members should be obliged to take the oath with the penalties of perjury annexed to it. Those who elected them were, however, obliged to take such an oath, and therefore it appeared that it was not intended that there should be any equal justice between the electors and the elected. The people must believe, that the reason the oath was left out was, that the House wished to screen corruption in its own members, and were afraid of their incurring the penalties of perjury. After they had thus got rid of the most operative part of the bill, they introduce this word "express," which they did not borrow from any act of Parliament in existence, and which would effectually protect all corrupt proceedings of theirs in the disposal of offices. He verily believed, that if such a bill with the word "express" in it had been ever so long in operation, there would have been many

members found to vote, that even the transaction of Lord Castlereagh and Mr. Reading was not an express contract for an office. If then the bill, after their alteration, was merely to prevent men of property from going to the market, and allowing government to have it entirely to themselves, he thought it would be better that no such bill should pass. The people of England would naturally believe that this word had been introduced as a shield for all manner of corruption on the part of ministers, and to take away all protection from it on the part of the country. He had so strong an objection to this word standing part of the clause, that if it were to continue in it, he should find himself obliged to vote against the bill.

Mr. Secretary Canning said, that in the case alluded to, with respect to the barter of a writership for a seat in Parliament, it was determined that the intention of the agreement had not been carried into effect, and that was the cause of the transaction not being punished, which was an acknowledgment, that if it had been carried into effect it would have been punished, and ought, therefore, to be satisfactory on that head.

The Hon. Mr. Littleton said, when his honourable friend brought in this bill, he hailed it as a measure which he hoped would be propitious to the wishes of the country, but it had been so altered and mutilated, that he could not think of voting for the shadow when the substance was gone. A division then took place:

In favour of the amendment 74—against it 97.

Another division took place on the clause itself which was carried, by 75 against 57.

A division then took place on the question that the bill be engrossed: Ayes, 84—Noes, 33.

Mr. Adam gave notice, that he would bring up two new clauses on the third reading, which was fixed for Monday.

The Attorney General withdrew his bill relating to seditious societies, but gave notice that he would bring it forward early in the next session.—Adjourned.

HOUSE OF LORDS.

MONDAY, JUNE 12.

The Irish annuities bill, and the Irish spirit duties bill, were read a third time and passed.

On the third reading of the Bermondsey parochial regulation bill, some objections were made by Earl Stanhope, who was replied to by Lord Walsingham and the Lord Chancellor. After some conversation the question was put and the House divided,

For the third reading—

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The bill was read a third time and passed.

The Earl of Besborough reported from the Committee to whom the Manchester water-works bill had been recommitted, that the standing orders had not been complied with, and afterwards moved that the bill be read a third time.—This motion was opposed by the Earl of Wilton, and a long conversation ensued, in which those noble lords, the Earls of Hardwicke and Rosslyn, Earls Grosvenor, Stanhope, the Lord Chancellor, Lords Harrowby and Redesdale participated. The result was, that the motion was withdrawn, and an order made to take the standing orders into consideration the next day, for the purpose of considering whether they should be suspended with respect to this bill, and also that the Lords should be summoned.

The third reading of the office sale prevention bill was, after a few words from Earl Grosvenor, who wished to make some observations on the bill, postponed till the next day.

PROTEST

IN THE HOUSE OF LORDS AGAINST THE PASSING OF THE WAR TAXES EXTENSION BILL, JUNE 12.

Dissentient,

1. Because this bill purports to provide for the supply of the present year, by taking one million annually of the war taxes.

2. Because this new and dangerous measure has been introduced into this House at a period of the session when it cannot possibly receive that consideration and attention with which it ought to be examined by every branch of the legislature of our country.

3. Because no information has been laid before us to justify the enormous increase of the public expenditure during the last two years; and the consequent necessity of large and continual increasing loans.

4. Because the present measure is subversive of the principles on which the sinking funds and war taxes have been successively established and augmented—principles invariably adhered to under every change of men and measures during the last three and twenty years, and now first abandoned.

5. Because the system, of which this measure is, we fear, the commencement, will rapidly absorb all the extraordinary resources provided by the wisdom of Parliament to meet the exigencies of war; and will, within a very few years, plunge the country into financial difficulties, such as have never yet been apprehended even by those who have thought most unfavourably of the resources of the country.

6. Because we consider this bill not only as a most improvident and injurious financial measure, but also as founded on political views peculiarly inapplicable to our present situation. Engaged in a long and arduous struggle, we are now adopting a policy which, in the same instant, diminishes our income and enormously increases our expenditure. We are doing this at a time when wisdom and justice equally require a more economical and providential policy; which, while it sacrificed no real prospects of advantage, and refused itself to no well-founded claim for assistance, should look with a much more jealous anxiety to the present interests and ultimate security of our own country; and establish, instead of delusive, temporary, and ruinous expedients, a solid basis of permanent resources—the only fit provision for a contest of indefinite duration, and in the issue of which our existence is involved

SIDMOUTH.
ROSSLYN.
GRENVILLE.
CARRINGTON.
YARBOROUGH.

HOUSE OF COMMONS,

MONDAY, JUNE 12,

The consolidated fund bill was read a third time and passed.

Sir Thomas Turton gave notice of his intention, early in the next session, unless his majesty's ministers them-

selves took up the point, to submit some proposition on the subject of the scale of income, and exemption of the property of foreigners from the funds.

Sir T. Turton asked of the president of the board of controul, observing none of the directors of the East India company present, if it was the intention of the court of directors to persevere in the resolution they had come to, for the recal of certain unfortunate persons who had procured situations under the company in India, by corrupt means.

Mr. Dundas stated, that he understood it to be the determination of the directors, at present, not to depart from the resolution they had come to on this subject.

Sir T. Turton said, in that case, he should give notice of a motion as to the opinion of the Committee on East India patronage on this subject, for Wednesday next.

JUDGES' SALARIES.

The House then went into a Committee on the judges' salaries bill.

Mr. Banks proposed a clause to prevent the sale of the office of clerk of assize, and to render it an office during pleasure, instead of being as at present, during life.

Mr. Perceval observed, that this office had not been sold during the time of any of the present judges. To render the person holding the office removable, however, at pleasure, would be to subject him to be removed at the discretion of every senior judge as he went the circuit. It was understood that this office was not in future to be sold.

The clause was accordingly withdrawn.

Mr. Bankes objected to the increase to the salaries of the chief justices in Wales. In this he was supported by Mr. Abercrombie, and opposed by Mr. Perceval and Mr. Ryder.—The clause was carried.

Mr. Bankes objected to the increase of the salaries of the Welsh judges generally, on the ground of the inutility of the continuance of the four circuits in that country, and of its having been recommended by one of the reports of the finance Committee to turn the whole into one. The effect of the present increase to all the judges would only be, in the event of an after compliance with this recommendation of the finance Committee, to occasion a lavish expenditure of the public money in causing an

additional recompence in proportion to the increased salaries to be granted.

The Attorney General said, the idea of refusing to increase the salaries of the Welsh judges might have the effect of starving them out; but that, he was satisfied, was not the wish of his honourable friend. As to the idea of abolishing any part of the judicial establishment in Wales, he had never heard that this was desired by the people of that country.

Sir A. Piggott thought the augmentation essential to the dignity of the judicial character.

The resolution was then agreed to.

Mr. Bankes proposed a clause for prohibiting Welsh judges from holding seats in Parliament.

Mr. Perceval dissented from any such idea. Those judicial characters from Wales who had been candidates for seats in Parliament, had been the most distinguished persons from that country.

Sir S. Romilly maintained, that for the last 30 years the Welsh judges, with only three exceptions, had been chosen from among gentlemen of the profession who were members of that House.

Mr. Lockhart saw no occasion for the exclusion.

The clause was negatived.

Mr. Horner proposed a clause for preventing any of the judges of the principality in Wales from practising as a lawyer during the period he ought to be going the assize.

The Attorney General objected to the clause, on the ground of there being no necessity for it; and that even a whisper would be sufficient to correct the practice without the aid of an act of Parliament.

After a few additional observations by Mr. Horner, Mr. Perceval, and the Attorney General, the clause was negatived.

The other clauses were gone through, and the House resumed, when the report was ordered to be received the next day.

A message from the Lords stated their lordships having agreed to the agent-general's bill, the Irish glebe house bill, the vote of credit bill, the assize fees bill, &c.

Mr. Alderman Shaw presented a petition from the governors of the London lying-in hospital, and another from

the small-pox hospital, praying relief. Ordered to lie on the table.

Lord Cochrane gave notice, that he should early in the next session of Parliament submit a motion to the House, as to the more equal and better distribution of prize money. Also a motion relative to the fortifications of Portsmouth.

Mr. Simeon abandoned his motion relative to the appointment of masters in chancery, on the ground, that there was already sufficient evidence on this subject before the House, in two several reports of finance Committees.

FINANCE.

Mr. Vansittart brought forward a string of resolutions relative to finance, as is usual at the end of the session. The first resolution was read *pro forma*. They were ordered to lie on the table, and to be taken into consideration on Monday next.

CRUELTY TO ANIMALS.

Sir C. Bunbury moved the second reading of the bill to prevent cruelty to animals, dwelling upon several of the different species of cruelty practised to horses, dogs, &c.

Mr. Windham was sorry to feel himself obliged to oppose the bill. He was satisfied, not only that no good would result from it, but that it would be found to be partial and unequal, and unbecoming the dignity of that House. It applied to one class, while others of infinitely greater importance were left untouched. The honourable baronet had shewn how contemptible the measure was when he talked of the ears and tails of horses, as if the conduct of the grooms, to whom they were to be entrusted, was to come under the cognizance of the House. This bill was one of the moral duties; its objects were of imperfect obligation. He should say nothing farther against the bill at present, but should reserve himself till the following day.

The bill was then read a second time, and committed for the next day.

SEATS IN PARLIAMENT BILL.

On the motion for the third reading of this bill,

Sir T. Turton rose to express his sentiments on the principle of the bill, not having had an opportunity to do so in a former stage. He expressed his assent gene-

rally to parliamentary reform, and his surprize at the absence of an honourable baronet (Burdett) always favourable to reform. The bill was greatly docked, but still he hailed it as it stood as the harbinger of future good things. At the same time he must say the bill had greatly disappointed his expectations.

Mr. Johnstone contended that the conduct of Parliament, of late years, had been such as to entitle them to the thanks of the country, in comparison with what it had been under their ancestors. The honourable baronet had talked of the exhausted nature of the constitution, and of the necessity of having it renewed; yet he had not told at what period it was in a better state. He was against any experiment on our vitals, which he conceived it to be the object of many gentlemen to make. The present bill he confessed was very different from what it had been, but still he objected to it as the first measure of a system, as the acknowledgment of a defect in our representation, the existence of which he did not admit. He objected to a principle, the object of which was change, and which, in his judgment, could only produce evil.

Mr. Abercrombie would have voted for this bill if his only objection had been that it did not go far enough. But this was far from being the only objection. As the bill stood at present it would do a great deal of mischief. He would oppose it because it wanted the oath, and also because the introduction of the word "express" rendered the provision against corrupt agreements perfectly nugatory. These were radical defects, and the bill, by throwing additional power into the hands of the treasury, would do mischief, but could hardly do any good.

Mr. H. Thornton thought it absolutely necessary that there should be at least a declaratory law to shew that the sale of seats in Parliament was a crime. In this point of view he thought this bill would be useful. He also approved of the bill because he saw no reason when an evil was clearly pointed out even in the constitution, why that evil should not be met by a remedy. He thought it absurd and inconsistent to punish voters for selling their votes, and to leave wholesale corruption of the same kind unpunished. He hoped that Parliament would at a future opportunity put down the practice of giving money to voters fourteen days after the election, which was a mode of evading the bribery laws.

The Secretary at War was a great admirer of the British constitution as it existed, and saw no reason for any reform. The voice of the people was at present sufficiently heard, as had lately been proved. He saw no practical inconvenience in the sale of seats. Persons who came into Parliament for money, were not at all more likely to attend to turning it into account in the way of traffic than others. They often came in at less expense than others; and might have other objects of ambition than money. He would, however vote for the bill.

Mr. Adam observed, that when it was stated and admitted that seats in that House were bought and sold to a great extent, some remedy was necessary. But the practical representation of the people was good; and he felt himself in this unfortunate situation, that he must either make a distinction between office and money, which he could not do, or entertain the question of reform in its broadest sense. The only way in which he could get out of this dilemma was to vote for the rejection of the bill, with an understanding that the subject should be brought forward early in the next session. He also stated a variety of objections to the details of the bill. He suggested to gentlemen for consideration three defects in the existing election law.—1st, the want of a petitioner, who in some cases could not at present be had.—2d, the circumstance that in cases of sale or bribery, no petition could at present be received after fourteen days from the meeting of Parliament.—And 3dly, the want of evidence. He had prepared some clauses to remedy these defects: but he thought the best plan would be to reject the bill at present, and take the subject into consideration the next session. He objected likewise to the word "express" as applied to an agreement, which was a novelty in the law.

The Solicitor General defended the word "express," and contended that it was a common expression applied in this sense in acts of Parliament. He thought this bill would do great good as a declaratory law, and he was satisfied that the mere declaration of the law would be sufficient to remedy the evil without any penalty.

Lord Archibald Hamilton contended that the gentlemen on the other side were making an experiment on the vitals of the constitution, by the continuance of the most glaring abuses. The noble lord briefly stated the circumstances that led to this measure, and placed in a strong

light the injury done to the constitution by the defence of corrupt practices, on the ground that they were so general and notorious, that it was cruelty to prosecute an individual. It had now clearly appeared that the highest political profligacy was considered as compatible with private honour. To correct these ruinous principles and practices his honourable friend (Mr. Curwen) had introduced his bill, of which he was a warm supporter.—But now, he believed, scarcely five lines of that bill were left. It was entirely altered, and would tend only to make the matter worse. He therefore agreed with his learned friend (Mr. Adam) that it would be better to reject the bill, and take up the business next session.

Mr. D. Giddy maintained that property ought to be the criterion of representation in that House—and as a corollary from this he maintained, that property could only be represented through the means of influence or interest. He contended that property was well represented as matters stood at present. He could not consent to exclude gentlemen in office from the House; and he again repeated, that he thought the crown ought to have considerable influence in that House. He was fully persuaded that such a state of things was the best calculated to promote the interests of the people, and secure the objects of good government. He then again affirmed, that one week of confusion, such as might be excited by assertions that the income tax might be taken off, &c. would do more real harm than all the corruption that had existed since the Revolution. He thought, however, that the bill would do more good than harm, and would, therefore, vote for it.

Sir Francis Burdett, in every consideration he was able to give that bill, from the moment of its original introduction, and through the various discussions which attended its further progress, declared he could arrive at no other conclusion than that it was a measure of indemnity for past corruptions, and of security for future similar offences. It had been contended by the last speaker, that no improvement or reform was necessary, in as much as all the defects of which complaint was made arose from the legitimate influence of property; and that, of course, political power was, and ought to be, connected with such influence. Without explaining the grounds upon which such a political proposition ought to be taken,

the argument of the honourable gentleman answered itself. For if those places and that influence, which are the effects of property, and from property alone take their title to influence, are to be thus defended, what was the defence for the continuance of influence unconnected with property, where emolument was the produce and no duty the exercise? Were, he asked, such a species of influence to draw the same support for political power as property? If it was not, and so he contended, then, he would ask, in what the utility of this measure consisted, and in what way could its proposed advantages operate? As an enemy to corruption, he asked, did it diminish either its sources or its influence? Did it, though professing reform, effect any one measure of advantage, the accomplishment of which could alone prove the use of parliamentary reform? The honourable mover, who originally introduced the bill, could, in its present state, scarcely acknowledge it as his measure. His, indeed, must be a mobility of political feeling, if, so metamorphosed, he could recognise it as his own, melted down, as it had been so completely, in the crucible of the Chancellor of the Exchequer. By whom was it supported? What influence, under those changes, which some would affect to call improvements, now recommended it to the sanction of the House? Strange to tell, this measure of reform, this remedy for existing evils, this, which in its operation was to have the powerful effect of preventing their recurrence, was now recommended, fostered, and improved by the very persons who either had committed, were accused of committing, or by their votes in that House, had sanctioned the very criminal transactions and offences against the principles of the constitution and the independence of Parliament, which this very bill, so supported, now went to remedy and redress. Could the House forget what was the nature of the plea when such transactions were offered to be proved at its bar?—when the very author of this bill (for so changed, so perverted from its original import, that he could not call it any longer the measure of the honourable gentleman behind him, Mr. Curwen,) had himself been accused of conniving at such an offence—when his noble colleague (Castlereagh) near him had, from his own lips, been self-convicted, when, indeed, from every side of the House justification and not corrective, was the tenor of individual sentiment and of general dis-

cussion. And in what did that justification consist? It was only to be found in the extensiveness of this great constitutional offence. Now, it did happen, that in our courts of criminal jurisprudence, where the ignorant, and the poor, and the wretched had to answer for their misdeeds, that those very crown lawyers who here defended that crime upon its extensiveness and its frequency, converted that very frequency and extensiveness, in the former case, into an aggravation of the crime, and into an additional argument for the propriety of conviction, and the necessity of a severe punishment. Had the House, when such offences were directly charged against individuals, heard any such constitutional doctrine from those whose situations bound them to deliver it? No, no. Neither direct accusation, neither acknowledged frequency and admitted extensiveness, had produced any effect, until the evil itself, and the source from whence it emanated, became too evident to be longer concealed from the people or protected by those interested. And what, after all, was the remedy?—A measure in its origin far from being effectual, but, under its present modifications, only what he must repeat, an indemnity for past offences, and a security for future corruptions. There has, however, resulted this beneficial consequence—that the country feels that this House acknowledges the absolute necessity of something being done. You yourselves have now admitted the propriety of the question. You have discussed a species of what you call reform. Whatever reform such a measure may create in the regulations of your House, I strenuously deny that it tends to any reform in the representation of the people. I am, Mr. Speaker, and ever have been, ready to avow my opinions upon all public subjects, and I do presume my conviction of the absolute necessity of a reform in the constitution is very well ascertained. Were I then to subscribe to the present measure, as constituting any essential part of the reform which I feel to be necessary, I should then be guilty of not only having aggravated the evil, but of having added injury to insult, in the disappointment such a course of conduct would give to the fair hopes of the country. I speak thus, because I am convinced that such an affectation of reform would not satisfy that enlightened portion of the British people, to whose judgment, and whose discrimination, whatever the gentlemen who meet here may

say to the contrary, I am and ever shall be most desirous to give credit and attention. All that has or is demanded are the rights of the constitution. Upon that constitutional individuals will speak according to the particular bias of their opinions and their objects. (*Hear, hear! from the ministerial benches.*) Those gentlemen who so loudly cheer, perhaps, suppose me to have been caught in some trap. They will, however, please to recollect that I have professed to be no speculator upon the constitution, that I have regulated my opinion by the statutes of Parliament, and that for every abuse of which I have complained, and for every remedy which I have felt it my duty to propose, I have given from those statutes both chapter and verse. Notwithstanding such has been my conduct, I have been opposed with objections inconsistent with themselves. By a noble lord (Porchester) it has been objected that in deducing my views from the statutes of the land, I have restricted myself to a narrow, low, and uninstructive line of information—by others I have been charged with being the supporter of abstract charges inapplicable to the practical and beneficial exercise of our public duties. The time is now arrived when I feel it necessary no longer to leave room for those insinuations which have been so frequently and so generally expressed under the definition of public demagogues and popular agitators, and of which I know that I was the butt. On my part there shall be no ambiguity. I wish the people, upon this vital question of reform, to know the nature and extent of my opinion; and I am determined that this House shall not separate—that its members shall not return amongst their constituents—in fact, that this House shall not continue longer in the contaminated state in which it has exhibited itself, without giving some pledge to the country of its future intention upon the vital question of reform, and thereby giving peace and confidence to the public mind. With that object it is my intention to come down to this House and propose a short resolution, calculated to inform this House and the people, of the length I am inclined to go. I have only to add, that my views on the subject are neither hastily considered or suddenly put into a practical system. Whatever opinion may be ultimately pronounced upon them, I feel the consolation of having weighed them with attention. I have therefore only to take the present opportunity of giving notice that

on to-morrow I will submit to this House a resolution binding it early in the next session to take into its consideration the propriety of a parliamentary reform.

Mr. Gurney defended the bill even under the change which he lamented had taken place. If however, only the preamble passed, he thought it effected a very great redress of the evils which were admitted to exist. In driving money out of the influence in returns to that House, he thought much was achieved, and at the commencement of a system of practical reform, he had, whatever my be the fate of the bill, the pleasing consolation of having introduced it.

Mr. Windham, in a speech replete with point, arguedd against the principle of the bill. He agreed with the honourable baronet's (Burdett's) observation, namely, this was a sort of attempt at reform, and with him he reprobated it, because it could produce no good. If it had only to do what the law of Parliament did before, then it was unnecessary; and if it was intended in the spirit of improvement, the experience of the law proved that it would be ineffectual. The friends he differed from, on its first proposition, he now found, although on different principles with him, hostile to the bill. This was a still farther proof of the inefficacy of such sort of measures; for begin upon the best theoretical principle, and as you endeavour to put it into practice, either your provisions will destroy your principle, aggravate the evil, or be wholly nugatory. He had, however, an additional objection to such measures, in consequence of that very state of the public mind which, with some, was the argument for passing it. In such periods he would be most tenacious. He knew how easy it was to speak of taking away one of those corns, and to cut out that excrescence. To do this, only a sharp knife and steady arm was necessary. But the danger was, that by removing the excrescence you would inflict a wound which might never close, and which would ultimately destroy the whole vital functions.

If, however, his objections were strong to the measure originally, it was still more so now that it had undergone such strange modifications. And he was really surprized to see his honourable friend so anxious for its safe passage. Surely there could remain no sympathy in his mind. It bore not a trace of that filial regard to which he could ex-

tend parental endearment. As for that matter it might as well be claimed as negro breed. Was it that his honourable friend still clung to his amputated bill, consoled by the old adage, that half a loaf was better than no bread! (*A laugh.*) Even so he had to recollect, that in the present case he had to lament that not only half the benefit was taken away, but that the deprivation of that half considerably augmented the evils of that which was left. One might say of such an improvement as he would put those foul mustachios so much the fashion now-a-days, if by way of remedy, one lip was shaved to make the other grow more thick and more disgusting. After a variety of strong arguments against the bill, the right honourable member concluded with asserting the House that such a delusive attempt would only, by its deception, exasperate the people. For their sound, steady, and permanent opinion no man had a higher respect; but upon all questions taken up precipitately, and in a state of public ferment, they were uniformly the dupes. If, however, they looked for some measures of reform, he contended that they would be deceived by the Birmingham coin tendered by the present bill, taken for what they considered more solid and more sterling.

The Chancellor of the Exchequer began by expressing his surprise that gentlemen on the other side should express sentiments so hostile to the bill which they had set out with supporting. They had professed themselves friends to the principle of the bill; and he could not help thinking, that the sincerity of that profession might be questioned, if they were not able to shew that the bill, in its present form, was not calculated to answer that principle. The right honourable gentleman who spoke last had said a great deal, to shew that the bill was not calculated to answer its avowed end. He would ask, if a preamble such as that of the bill in question, pledging Parliament against corruption, and all species of the corrupt traffic, was nothing? As to the introduction of the oath, he thought that the difficulties, the practical difficulties, resulting from it, seemed to be admitted even by the right honourable gentleman who spoke last. He thought, however, he had no good reason to be satisfied with the rather uncandid manner in which he had been treated. Gentlemen seemed to have agreed in the principle of this bill, for no other purpose than to have a pretence for giving him

a vexatious opposition in the Committee, to whatever amendment he might as a member, have felt it his duty to propose. With regard to the honourable mover of the bill, he regretted sincerely if he had failed in satisfying that gentleman of the sincerity of his support of the principle of the bill. He would again assure him of the sincerity of the motives which had actuated him throughout. He respected public opinion, and endeavoured to act in consonance to it, though he believed, had he gone to the full extent in support of the bill in its original form, he would not have succeeded in satisfying popular clamour. Those parts of the bill, as it originally stood, which appeared to him to be productive of great practical difficulties, he had opposed, and now that the House had agreed with him in removing those objectionable parts, he sincerely thought that the bill in its present shape was calculated to do much good, and that it might now be safely passed into a law.

Mr. Tierney agreed with the Chancellor of the Exchequer, that before the House would rise that night, some one or other of its members would be exposed to imputations for insincerity of conduct in the progress of the bill then pending. He would not attempt to anticipate the public opinion, or say who would be the objects of their censure; and he thought that the right honourable gentleman would have done well if he had acted in the same way, and abstained from those insinuations against the sincerity of others, when perhaps his own might be equally questionable. When his honourable friend introduced the present bill, he confessed he hailed it as a source of real good to the best interest of the country; but since that period the bill had undergone such changes, it had been so mutilated and defaced, that its very principle was essentially altered, and consequently its end must be different. He denied therefore that he was justly liable to any charge of inconsistency for now voting against the bill, for what he had originally supported was not that which he now opposed, and that was the reason why he opposed it. If his honourable friend meant, however, altered as it had been, to support the bill, he trusted he would do him the justice as to the motives that influenced him to oppose it. He had never been absent in any one stage, and now that he saw in what way it was about to go out to the public, he must decline having any

part whatever in passing upon them so gross and mischievous a delusion. The 500*l.* penalty that was intended to be imposed on the persons giving the bribe, not one syllable of that clause now remained in the act. He would ask, was the omission of such a clause no material alteration in the nature? But the truth of it was, that the right honourable gentleman, through the whole progress of the bill, betrayed a great anxiety to throw a shield round the members of that House; there was no scruple in dealing out punishments to the electors, as the baser part, but there was manifested upon all occasions a wonderful jealousy for the elected. Now, unfortunately, whatever was the cause, the public did not not think precisely that way. They did not think them altogether above punishment. And though he never was, nor would be, the slave of popular clamour, he hoped he should never be backward in paying due respect to public opinion; for, after all, it was the tribunal before which that House was ultimately to be tried; and it must not be forgotten, that what gave rise to that bill was a disclosure, which led to a confession upon both sides of that House, of the existence of corrupt practices in procuring seats in that House; this was not a circumstance calculated to lull the suspicions of the public, but rather to make them look to their proceedings on that bill with great jealousy—now, the right honourable gentleman who had thrown out such sly hints against the sincerity of others, had brought his own to rather a queer trial in the Committee. He was a friend to the bill, and the moment he got it into the Committee, he never stopped till he succeeded in making it as unlike the measure he professed to befriend as any measure could possibly be. The bill went into the Committee with the clause of penalty; the clause respecting the oath, and that regarding the office; and before it is allowed to come out of it, the right honourable gentleman has deprived it of altogether penalty, oath, and office. As for the preamble, notwithstanding the fine eulogium the right honourable gentleman had passed upon it, he thought it amounted to neither more or less than nothing; the bribery act would not be carried into effect by it—and why? because that might go to affect members as well as voters, and there was no saying too much about the tenderness the right honourable gentleman manifested for the former, though, to be sure, it was a fine thing to talk big of muleting a minister in the

penalty of 1000*l.* as if such a fine could be a preventive—; but this was of a character with the rest, and was only throwing a shield about the members; and yet if the sincerity of the right honourable gentleman was appealed to, it might be difficult for him to account why there should be any difference between the elected and the electors—why the same offended in either, *mutatis mutandis*, should not be visited with the same kind of punishment? Why they both should not be put upon the same footing? or why what was a misdemeanor in the elector should not also be a misdemeanor in the elected? Another material alteration in the bill was, that as it originally stood, the grant of office was like every other gift, and he could not see why the gift of office should not be as the gift of money, where the intention was the same; but the right honourable gentleman insisted upon the introduction of "express," which did away the whole force and use of the clause. When the right honourable gentleman acted as a new reformer, recently, he took a different course with respect to his own measure. [Here Mr. Tierney read passages from Mr. Perceval's bill, to prevent the sale of offices, and observed, that the term "express" was not included in that bill, nor ought not in the present.] But he could not believe it possible, that the right honourable gentleman really meant to prevent the sale of seats in that House, his conduct in the treatment of that bill was totally irreconcilable with such an intention; and as to his (Mr. Tierney's) sincerity, he could only say, that wishing well as he did to the bill of his honourable friend, he must wish ill to the present one of the right honourable gentleman. He again adverted to the preamble, and said, there was nothing in it—it was joking with the public—it was laughing in their faces, and giving them more than pretence for saying to that House what Dr. Johnson said to Macpherson, "Hereafter I shall be more inclined to believe what you shall prove than what you shall say."—They indeed said a great deal in all conscience, and it was now time for them to do something. The public had observed the course they had taken during the session, and would not be inattentive to the manner in which they would close their career. As to the right honourable gentleman's opposition, he believed it to be a government measure, and meant nothing personal towards that right

honourable gentleman. Though his honourable friend was deserving of great praise for having introduced the bill, yet, after the alterations it had undergone, it would do him now but little credit; and he (Mr. Tierney) would advise him to take care that it should go out to the world not as his, but as the measure of the right honourable gentleman. For the reasons he had stated he must oppose the bill.

Mr. Wilberforce said a few words against the bill. He thought that if the bill was suffered to pass, it would stand in the way of something better, and that on the other hand, if it was thrown out, something more effectual would be substituted in its place. Besides, if it did not pass, there were some, and among those perhaps his right honourable friend (Mr. Perceval), who might think that enough was done already.

The gallery was then cleared for a division; when, three divisions took place. The first on the third reading—

Ayes	98
Noes	83
Majority for the third reading	—15

The second that the bill do pass—

Ayes	97
Noes	85
Majority	—12

The third division was on the title of the bill—

Ayes	133
Noes	28
Majority	—105

The other orders of the day were then disposed of, and the House adjourned.

HOUSE OF LORDS.

TUESDAY JUNE 13.

On the order of the day for the third reading of the sale of office prevention bill,

Earl Grosvenor objected to the clause exempting the sale of military commissions, and certain other offices, from the general operation of the bill.

Lords Eldon, Rosslyn, and Redesdale defended the clause, as consonants to long-established and salutary usage, and as being a part of the prerogative of the crown.

and also as connected with the respectability of the army and the welfare of the constitution.

Earl Grosvenor qualified his objection, but yet disapproved of the clause. Upon the question being put from the woolsack, the bill was carried without a division.

Several bills were brought up from the Commons; among them were the appropriation, the parliamentary seats, and the Irish catholic freeholders' bills.

On the question of the standing orders, which were moved by the Earl of Besborough to be dispensed with, previous to the third reading of the Manchester water-works bill, a very long conversation ensued, in which the Lord Chancellor, Lord Ellenborough, Lord Redesdale, Lord Roslyn, Lord Grosvenor, Lord Milton, &c. maintained the propriety of enforcing those orders; and Lords Carlisle and Harrowby spoke in favour of dispensing with them in the present case.

On a division on the question in favour of dispensing, the numbers were,

Contents - - -	19
Not-contents - -	10
Majority in favour of the bill	—9

The bill was under discussion of the third reading, when *The Lord Chancellor* warmly expressed his dissatisfaction, and intimated his intentions to record his reasons for disapproving of the last vote, in a regular mode, on the journals of House. The bill was then read a third time.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, JUNE 13.

A message from the Lords intimated that their lordships had agreed to the Irish auction duty bill, the Blackfriars Sunday toll bill, and the seamen's wages and prize-money regulation bill.

On the motion of Mr. Wilberforce the House resolved itself into a Committee, for the further consideration of the charitable donation bill; and after receiving a clause proposed by Mr. Wilberforce, the chairman reported. The bill was then ordered to be taken into further consideration this day three months, and to be in the mean time printed. Of course the bill is postponed until next session of Parliament.

Lord Binning brought up the report of the judges' salary bill, which, after some observations from Mr. Horner, was read the third time, passed, and ordered to the Lords.

Lord Binning also brought up the report from the Committee on the Scotch judicature bill.

Mr. Horner spoke at considerable length upon a great and oppressive defect existing in the mode of proceeding in the court of session in Scotland, and for which this bill afforded no remedy; notwithstanding that the subject had occupied so much of the deliberation in the House of Lords, both in a former and the present session. This defect was the necessity under which suitors were placed, when answering the allegations of their opponents, of first taking out copies of all the elaborate pleadings required to be entered by the other side, as records of the court, before they could proceed to any replication by plea or evidence. These pleadings, in some instances that came within his own knowledge, amounted to a volume of 1500 pages, the copy of each of which required the signature of an officer of the court, who must receive a fee upon each: and he had known instances where the sum in litigation did not exceed 200*l.* or 300*l.* where the fees of court alone amounted to 500*l.* or 700*l.* and in one such case to 1500*l.* Such an arrangement had long prevailed in the practice of the Scotch courts, for no other reason that he could see, than to create a revenue for the Scotch law officers; but it was a bar in the pursuit of justice, wholly insurmountable to all suitors in ordinary circumstances; and even where a suitor was successful, and his antagonist chose to appeal to the House of Lords, the parties could not proceed thither without taking out complete copies of the proceedings in the courts below, although not of the least use to them, nor competent to furnish any new light to his advocates before the higher tribunal. The honourable and learned member forcibly urged the necessity of easing the people of Scotland from that intolerable tax on the legal justice of their country, on the necessity of assimilating the proceedings there to those in England, and of extending thither the advantage of trial by jury in civil cases; and he thought this bill ought not to pass the House without such an amelioration of the judicature it purported to amend.

Mr. Secretary Dundas said, that a measure such as

that recommended by the honourable and learned member could not be adopted, without a most important alteration in the legal practice of Scotland for three hundred years, and therefore the House ought not precipitately to adopt any such proceedings, but wait deliberately, to hear the final opinions of the commissioners appointed to discuss the subject, and to examine it in all its bearings; and he knew that there were many of the highest legal authorities in Scotland, who differed in opinion on the subject.

Mr. Abercrombie agreed in the objections of Mr. Horner, and admitted that the House should do nothing precipitately on the subject; but he was at a loss where to cast the blame, for the delay which had taken place in not bringing forward the final report of those commissioners to examine this subject; for whose appointment a bill passed late in the last session, although the commission was not signed by his majesty until last January. He understood that a majority of three commissioners were in favour of the alteration suggested by his learned friend; and that the only point on which they had not yet been able to make up their minds, was how the officers were to be compensated for the loss of fees that must accrue from the alteration. They had indeed suggested the transferring those fees to another quarter, but one equally objectionable with that on which they were now imposed.

The Chancellor of the Exchequer supported the opinion of Mr. Dundas as to the deliberate caution with which any alteration should be attempted in legal proceedings so long established. He admitted that it was desirable to extend to Scotland the trial by jury, but this only provided it was agreeable to those most concerned, and who best understood the usage and feeling of the country.

The bill was read the third time, passed, and ordered back to the Lords.

MR. ERSKINE.

Lord Henry Petty rose to trouble the House with a very few words in support of the motion of which he had given notice. The papers that he should move for were the instructions relative to the affair of the Chesapeake, and the last dispatch from Mr. Erskine. He would admit that, in the papers laid on the table, there was enough to shew that Mr. Erskine had not followed his instructions. That formal recognition which he was instructed to de-

mand was not obtained. But no complete and satisfactory determination could be formed without the two documents for which he would move. Before the House could form an opinion of Mr. Erskine's conduct, it should be put in possession of his motives, as described in his dispatch. The degree to which the instructions were violated, would only be judged by the details of what passed between Mr. Erskine and the secretary of the American government. The House could not know what verbal assurances might have been given. He had no private information on the subject, but he could easily conceive a case in which the American government might give private assurances which it might not think fit to make the subject of formal communication. It was material to know whether any such assurances were given. These offers of accommodation were said to have originated with America: it was, therefore, material to know to what extent of the propositions the American government meant to set up. With regard to the instructions relating to the attack on the Chesapeake, if the right honourable gentleman would state that any inconvenience might result from producing them, he certainly would not press the motion. As to the production of Mr. Erskine's last dispatch, to the disclosure of that he could see no objection; and he therefore would submit that part of his motion to the consideration of the House. The noble lord concluded with moving for copies of the instructions relating to the Chesapeake, and the dispatch of Mr. Erskine.

Mr. Secretary Canning observed, that if reference were had to the statement made by him when this subject was last under discussion, it would not be difficult to persuade the House that the present motion was unnecessary, and might be attended with much inconvenience.

When he laid the papers on the table, he stated that it was not the intention of government to make any communication to Parliament on the subject. If the nature of the relations between this country and the United States, or if the conduct of Mr. Erskine was under discussion, then there would be grounds for calling for the papers moved for by the noble lord, and particularly the last. But it was not the intention of his majesty's ministers to call for any opinion of the House at this time. The only point now in question was, the carrying, or not carrying into effect, an arrangement concluded without instructions;

and not only without instructions, but directly contrary to them. That this was the fact was evident, from the paper laid on the table. He had indeed the admission of the noble lord, that the arrangement was concluded without due authority. This was the main point which government, in justification of the measures they were under the necessity of adopting, were anxious to establish. All farther discussion of the subject at this moment, would not only be attended with inconveniences, too obvious to put him under the necessity of repeating them, but might possibly endanger the success of ulterior arrangements. The point necessary to establish was, that the instructions were not followed, and of that the noble lord seemed convinced. With respect to the conduct of Mr. Erskine, nothing was said of it but what the absolute necessity of the case extorted from government. The proceedings of that gentleman were productive of very great embarrassment to his majesty's ministers. On the very day that his last dispatch was dated, the arrangement which he took upon himself to make with the American government was made public in that country; and in the course of a few days after, property to the amount of many millions was probably loaded for this country. The noble lord supposed that some verbal assurances were obtained by Mr. Erskine, to the effect of the stipulations contained in his instructions. That was a point upon which he could not be expected to satisfy the noble lord; but if any such assurances had been obtained, they must have been of so satisfactory a nature, as to induce government to act upon the faith of them pending any ulterior security. They must have been such as to induce ministers to acquiesce in an arrangement contrary to the principles by which it was to be defined. That this was not the case it would not be difficult to infer from the circumstance of government being compelled to disown the arrangement. He hoped the House and the country would believe, that if the three points which Mr. Erskine was instructed to require had been obtained, there existed in his majesty's councils a disposition to permit the neutral to carry into effect by himself the principle of the departure from the orders in council, and not to resort to the harsher measure. That the first of these three points was not obtained was evident from the papers on the table. This was in fact the most important; it was the *sine qua non* of the arrange-

ment, that America should maintain her non-intercourse system against France. The third stipulation was not even touched upon. This, though of considerable importance, was not of that paramount consequence that the first was. Government had the right and the power to prevent neutrals from trading with France, and it was mere matter of courtesy to propose any arrangement to the American government on the subject. Now let the House see in what a situation the relations between this country and America might be placed in consequence of this arrangement. The non-intercourse act, was to expire on the 20th of May, and, in the arrangement of Mr. Erskine, there was no stipulation for re-enacting it, as against France; so that our orders in council might be rescinded at the very moment that the trade between France and the United States might be perfectly open. The better half of the agreement into which Mr. Erskine was authorized to enter into with America was, that she should shut her ports against France and this could only be done by her reviving the non-intercourse system as against that power. There was another question of a curious sort respecting the non-intercourse act. When this country determined to make atonement for the injury committed against America in the affair of the Chesapeake, it proposed, through the medium of Mr. Rose, that the proclamation for excluding British ships of war from the waters and havens of the *United States*, should be recalled: this was refused. *Any* power receiving an injury from another, with whom she is in friendly intercourse, has certainly a right to call for atonement for that injury: but if without waiting to see whether it will be granted or denied, she takes her retaliation into her own hands, her right to atonement from that instant ceases. America, therefore, in resorting to retaliation, sided *pro tanto*, with France. Upon the change of the executive government in America, it was understood, from something that passed in the Committee, that there was a disposition in the new government to come to an immediate arrangement on the subject of the Chesapeake. The proposal was therefore renewed. How that proposition was received by the secretary of the American government was evident from the correspondence that was published. How far that gentleman was disposed to re-establish the former relatons between the two countries—how far he was inclined to strew the path of reconciliation with

flowers, any Englishman who read that gentleman's note might judge. By Mr. Erskine's arrangement, our orders in council were to be rescinded (they are so in fact at this moment, for they cannot be put in force as against America for a limited period); and this great price was to be paid, for what? Why, for six weeks liberty to trade with America. If this agreement had been transmitted to government for its approbation, no disclosure would have been made on the subject. But government was under the necessity of coming to some determination on the subject within twenty-four hours; and being resolved not to sanction it, it was necessary to make the disclosure contained in the papers on the table, particularly as it was said, that the arrangement was agreeable to the instructions to Mr. Erskine. But these reasons would not justify any farther disclosure; such disclosure might prejudice existing or future negotiations, and embarrass that ulterior arrangement, which he hoped would be terminated satisfactorily. There was another point in Mr. Erskine's instructions to which he found it necessary to allude. He was instructed to procure an interdict of all commerce, as well between Holland as France; for upon what plea could the former be entitled to any exemption? If she were a dependent power, she must follow the fate of France. If she were an independent power, and still submitted to the dictates of France, she was the more blameable, and was therefore the less an object of indulgence. How these instructions were fulfilled, would appear from the correspondence of Mr. Erskine already before the House. He must have known that Holland was exempted from the operation of the non-intercourse act. But it had been suggested that he might have had private assurances, that Holland would be placed on the same footing as France. What! after it was specifically stated in the formal act, that it was not to extend to Holland! But doubts were entertained as to its being applied to the kingdom of Italy, the iron crown of which sits on the head of the ruler of France! If any doubt existed that Mr. Erskine had gone the full length of the concessions he was authorized to make, without obtaining the whole three, nay, not even one of the points he was instructed to demand, the person who entertained such doubt had only to read the papers already before the House. If these did not remove it, nothing that he could say or produce would. He felt

himself under the necessity of opposing the motion for the reasons he set out with stating. This was not the proper time to enter into the discussion of the policy of the arrangement with America; and as the pending negotiation might be prejudiced by further disclosure, he trusted the noble lord would see the impropriety of granting the papers he called for. Before he sat down, he must take an opportunity of disclaiming any prejudice against Mr. Erskine, with whom he had not the honour to be acquainted. There was, however, one part of his conduct, which he must condemn, even more than the unauthorized arrangement into which he entered. It was that which related to his acceptance of the note of Mr. Smith; a note of so extraordinary a nature, that no one bearing the king's commission should have received it. He should have sent it back unaccepted.

Mr. Morris vindicated the conduct of his relative, Mr. Erskine, and abstained from making that reply to the right honourable gentleman which his speech seemed to call for, lest such reply might call forth a discussion tending in the slightest degree to interrupt that system of conciliation now likely to take place between the two countries.

Mr. Canning and Mr. Morris mutually explained.

Mr. Marryatt thought the motion, as far as it concerned the affair of the Chesapeake, totally irrelevant to the present juncture. With respect to the dispatch, he thought if it were produced, that so ought the answer of his majesty's ministers, in order that the House might have sufficient evidence whereon to found its decision.

Mr. Baring entered into a long detail of our correspondence and intercourse with America. He thought Mr. Erskine must have obtained some substantial concession to the demands of England, with which we were at present unacquainted, and on which he grounded his treaty.

Mr. Steven combated the arguments in favour of the motion. He was of opinion that America, in all her proceedings, had no wish to promote an impartial course with respect to France and this country. It was the business of that House to take care lest France should triumph in these negotiations, and lest England should now sanction decrees which she had before arraigned, and desert measures to which she had at other periods

given her support. At all events, in his opinion, discussions in that House could not tend at the present crisis to promote amity between the countries.

Lord H. Petty declared, that as a partial disclosure had already been made on this subject, all he wanted, both for the sake of public utility and private justice, was, that such disclosure might be made as ample as possible. It had appeared, however, from the speech of the right honourable gentleman, that a negotiation was now pending, to which such disclosure might prove dangerous. Since this was the case, he was willing for the present to withdraw his motion, until a disclosure could be made without difficulty on the subject.

Motion withdrawn.

SINECURE PLACES.

Lord Ossulston then rose, and was proceeding to state his objections to the resolutions of an honourable gentleman (Mr. Martin) when he was called to order by the Chancellor of the Exchequer, on the ground that the resolutions were not then before the House.

After some conversation on this subject between Lord H. Petty, Lord Folkestone, and the Chancellor of the Exchequer,

The Speaker decided that it was not orderly to refer to resolutions which were still confined to a Committee, and had not come regularly before the House.

Lord Ossulston then spoke at some length. He concluded by moving the following resolution:—

"Resolved, that it is the opinion of that House, that the existence of sinecure offices, and of offices executed by deputy, was unnecessaay towards the remuneration of merit; and that the grant of pensions for one life would be a politic and sufficient substitute for such offices; and that the House would pledge itself, on the earliest opportunity, to consider concerning the regulation or abolition of such offices."

The motion was then put, and negatived without a division.

CRUELTY TO ANIMALS.

On the motion that the Speaker should leave the chair, for the purpose of the House going into a Committee on the bill,

Mr. Windham said, he did not consider the subject of this bill as one of sufficient importance to call for an act of the legislature. The subject, however, though trifling, might call forward much discussion; and he felt himself impelled to state his sentiments on it. The bill, however, did not seem to think so, and began in the most pompous language, and with a most magnificent "Whereas, that for divers weighty and provident purposes God had placed various animals under the protection of man," &c. &c. &c. Now the object of the bill was to promote morality. What was moral virtue? Why, a desire to promote the happiness, and to sympathize in the pain of others. It was not his wish to confine this feeling to man; but still, if a man was to feel as much for the pains of others as for his own, why then, by the consequent accumulation of evil, the ends of Providence would be defeated. At most, however, kindness to animals was only a moral obligation; and how was it possible to enforce moral obligations by law? Thus, for instance, who could devise a mode of enforcing charity, gratitude, &c.? If a rich man, with wealth at his command, was to let a poor one die in the street next door to him, why, certainly, every man would call him odious, and uncharitable; but then the law would not take cognizance of him. The noble mover of this bill, however, seemed to think most seriously of it, and in fact called its introduction a commencement of a new era of legislation. Perhaps he was ambitious of the name of a legislator; of being ranked with Philip, Lycurgus, &c.; but the reason of its novelty would be the very cause of his utmost caution in its admission. The great danger was, however, that this bill could not be applied because it appealed to humanity. The standard of humanity was very variable: its impulse was different in different men; and a man might be called for a breach of this act, before a judge, who would perhaps think very differntly from others as to the offence. Thus this bill would give rise to an extensive source of most arbitrary vexation. (*Hear, hear!*) It had been stated, in a pamphlet, that this bill would give no premium to informers; but he was afraid, many men would be tempted to give information of the breach of it, in order that they might display their own humanity, and their great talents in the art of tormenting others. (*A laugh.*) This brought to his recollection a very able

treatise, published many years ago, but which had since been republished, and had been ascribed to the sister of the author of "Tom Jones," though it was afterwards known to be the production of a lady of the name of Collier. This treatise was wrought up with much delicacy of sentiment, and great soundness of judgment, and contained directions for ingeniously tormenting others. He was afraid that this disposition to torment others was more general than was supposed. But the directions contained in the treatise of Mrs. Collier were much more simple than the means, which, by the bill then under consideration, would be put in the hands of persons who would affect to torment others for the public good. If this bill should pass, any man who owed another a grudge, who might have any wish to be revenged on him for any personal ill-will, would have nothing to do but to bring a charge against him for cruelty to any animals he might have in his possession, and subject him to all the vexatious oppression that would be the result. This must necessarily take place to a degree, that would be productive of more mischief than could flow from the evil which it was proposed to remedy by the bill. The measure subjected to the penalty it was to impose, all those who should maliciously and wantonly be guilty of cutting, maiming, or otherwise inflicting cruelty upon certain animals therein specified. Such conduct every body must desire to have punished; but the bill was worded in such general terms, that every man would be at liberty to make the charge, under the act, upon what he might think proper to consider cruelty within its meaning. The preliminary difficulty, therefore, which he felt upon the subject, was, that coming under so plausible a title, it would have the effect of preventing persons from coming forward to oppose it, as he did, lest they should expose themselves to the imputation of being destitute of humanity. He had no doubt that many persons had declined interfering with its progress hitherto from considerations of this description. There was something, too, in the mode of putting the bill, which excited in his mind a prejudice against it, as if the supporters of it were exclusive friends to humanity, and those who differed from them were to be looked upon as disposed to countenance the mischief it was designed to prevent. Could any gentleman overlook the inevitable consequence

of leaving every man to consult his own standard, of what should or should not be considered cruelty within the meaning of the bill? And if every man was to be regulated by such a standard as he conceived in his own mind, must it not be obvious, that a variety of circumstances in the relations and situation of any particular transaction, which might be made matter of charge under the bill, would be wholly left out of consideration? It had been said by the celebrated Dean Swift, that he never knew a man, who could not bear the misfortunes of others like a Christian. But if any person, observing the violence which might, in a gust of passion, or a moment of fatigue, after a laborious employment of nine or ten hours, be inflicted by a carman upon the animals he had charge of, should think of prosecuting him under this act, could they be certain that that person would always attend to the circumstances which might have provoked, and might perhaps justify such sudden violence? It was not always that such a person would bear in mind, that in his ride, perhaps the day before, to procure an appetite for his dinner, he had on some sudden provocation spurred his horse with a violence equal to any that might have been inflicted in the case which his humanity might excite him to punish. This distinction, he contended, was founded upon a principle of injustice. But as every man can bear the misfortunes of others like a Christian, so many men would be found under this bill disposed to shew their virtues at the expense of others. If they should pass the bill, they would fall in with the views of those persons who were impatient to display their powers of tormenting others by displaying their own humanity. In fact, he would maintain, that this was not a case in which they ought to call in the aid of law. Those acts of violence which it was intended to remedy were not of such an amount, as far as his observations went, as to call for the aid of the legislature, or to justify Parliament in incurring the mischiefs that would unavoidably result from this measure. A great part of this violence that was to be repressed was charged as being committed by coachmen in the streets upon the horses intrusted to their management. Did it require any law to correct such an evil? What had their masters to do but to discharge the offending coachman, and then the evil would soon be remedied? If, however, on the contrary, so far from

expressing any disapprobation of such conduct, their masters were found to countenance them in it, was it to be expected that the provisions of an act of Parliament would put an end to the practice? It was rather extraordinary that so much sensibility should be felt in the case of others, and that the cruelty should be altogether overlooked when their own servants were the offenders. In such a case, why do you not discharge your coachman for his cruelty to your horses? The answer would be "Aye, it is very shocking, no doubt; but then John is so clever in a crowd; and my Lady such a one, and the Misses so and so, were kept perishing whilst they waited for their horses, ours were ready when called for, and we got away amongst the first." (*A laugh.*). This was the language that one might hear every day, and under such circumstances it would be the height of injustice to make a parade of humanity in the prosecution of others, whilst they overlooked no less glaring instances in their own cases. Besides, the actual amount of the evil was not of such extent as to require any new legislation. In the cry for a bill upon this subject, people were calling for that which they had it in their own power to effect by the correction of the evil. It was a fundamental principle of all law, that you should not do that by legislation which was alone the province of manners to accomplish. But it might be said, that it would not make any difference to the animal by what means the evil was to be corrected, and that it was to the master that the operation of the bill was to be extended. At all events, they should take care that the measure, if they were determined to have one, should be effectual to its object; and that the penalties it was to inflict, should fall only upon the proper heads. A great deal of the cruelty which it was proposed to prevent, was said to be inflicted upon post-horses. If gentlemen would but give themselves time to reflect, they would be convinced, that in almost all such cases, the fault was more in the traveller than in the inn-keeper or the post-boy. The traveller proceeding upon a journey of little or no importance, and which might without any inconvenience be suspended for a short time, arrives at an inn and calls for fresh horses; the horses are produced, but appear in bad condition, and from the number of excoriations, incapable of proceeding with the celerity the traveller desires; the traveller then complains, that the horses

which he expected to be fresh, are not equal to the journey: the answer of the inn-keeper contains an apology for the condition of the horses; they are the only ones he has at home, the times being busy along that road, and all his other horses out at the races; he assures the traveller, however, that the horses are better than appearance indicates, and that they will perform the journey well. Thus the traveller's doubts are removed; the journey is resumed, and the work of cruelty begins. In this case, it is not the inn-keeper nor the post-boy that is to blame, but the traveller. The post-boy must perform his task, and perhaps under a menace, that he shall have nothing for himself, unless he should be able to reach the next stage within a certain time: the inn-keeper cannot afford to pay the price to his humanity of turning a customer from his door; and it is the traveller alone, who will not, as he might perhaps without the smallest possible inconvenience, suspend his journey for a single night, that is the sole author of all the sufferings the wretched animals endure. (*Hear, hear, hear!*) With such cases before their eyes, what were they to think of the cry that had been raised for some legislative measures upon this subject? It arose from a false and spurious sort of humanity; and to give way to such a cry, would be to consult the dictates of a fallacious and hypocritical spirit of humanity, at the expense of every good feeling of the human heart. How was it to be reconciled with justice, that the post-boy should be liable to the penalty; whilst the traveller, who, sitting at his ease in the carriage, tells the post-boy, that unless he should arrive to his dinner by a certain hour, the post-boy should have nothing for his pains, is not to be considered implicated in the offence? Was it not obvious that in such a case the penalties would fall upon an improper object; and why should they attempt to legislate under circumstances of such manifest injustice? Duties, such as those proposed to be enforced by this bill, were the proper province of morals. Let them be inculcated from the pulpit. Let them be recommended through the press; let them be encouraged through the influence and example of general morals. All this was already done, and nothing more seemed to him to be necessary. But when they were called upon to adopt novel modes of legislation, it was the duty of those who made the call to shew what new acts of cruelty had been committed, to warrant such

tables of legislation. When they were now called upon to do what mankind had ever done before, it excited in his mind a strong presumption against the bill. But there was another, and perhaps a still greater, objection to the measure, in the extreme inequality with which it would operate. The bill was to be confined to the drivers of horses and other animals, or those concerned in the management of such animals. There were many cases for which they were called upon to legislate, wherein the effects of their enactments would not reach the members of that House. Indeed, though all men were subject to the laws, most of the acts they passed were of such a description that it would be impossible for the members of that House to be exposed to the penalties of them, because it was not likely that they would be guilty of the offences which those acts were intended to correct. But if they were once to act upon the principle of making laws against the lower classes which they would not apply to themselves, what would be the situation of that House? Had they not a code of game laws, which, at the price of much inconvenience, formed a great proportion of their statutes, and preserved for the higher classes the exclusive right of killing certain animals? He was aware it might be said that these animals were *ferœ naturæ*, and not within the principle; but he must contend, that as living creatures they came within its principle. (*Hear, hear!*) It might be contended too, that men had not only a right, but a necessity to kill such animals, as otherwise they might overrun the earth. (*A laugh.*) But it was argued, that, unless these animals were killed in the manner to which he alluded, they would die or be killed by a worse death. The argument for killing them because they would otherwise die would go a little too far, because it would be an equally good argument for our killing ourselves. (*A laugh.*) Now as to the other part of the argument, they were now hunted to death, and he could not easily suppose any worse species of death to which they could be exposed. But in either case, those who killed them must be considered, in undertaking, from humanity, to be vermin killers to the rest of the community. It was not to be forgotten too, that these

permit were carefully preserved, in order that they might be killed afterwards. (*A laugh.*) It was rather an extraordinary feeling that could induce persons to slaughter these animals from a regard to humanity. What would the House think of a gentleman, who, in such a spirit of humanity, should apply to his butcher, and say, that from an impulse of humanity, he wished to be allowed literally to kill his own mutton? (*A laugh.*) It would be an extremely odd declaration for him to make, that from mere humanity he wished to undertake to kill the animal. But in resorting to this species of argument *ad hominem*, nothing could be farther from his thoughts than to throw out any insinuation against the humanity of the country gentlemen. On the contrary, he was happy to bear testimony to the little influence produced upon their characteristic benevolence and humanity, by their indulgence in sports decidedly tinctured with cruelty. He had adverted to the circumstance only to shew the absurdity of the principle upon which the bill was founded. But when a house of hunters and shooters was called upon to pass such an act that would reach the lower orders, but not extend to their own sports, he contended, if they were to pass it, that nothing could be more discreditable to them, or more injurious and oppressive to those whom the bill would affect. If any thing could justify the clamour had been raised for reform, if any thing could call for a change in the constitution of that House, it would be the circumstances of making such an invidious distinction between the rich and the poor in a solemn act of legislature. Nothing could render such a change necessary or desirable, more effectually, than that it should appear that there was any class of the community whose interests had been overlooked in that House. To pass such a bill as that under consideration, would be a mockery of legislation; would be to give way to a sanctimonious spirit of hypocrisy in the teeth of every sound principle of policy and prudence. It would, indeed, be extraordinary, if in the nineteenth century they were to adopt a principle of law which no human legislature had ever acted upon. There were various other instances to which he might then advert, but with which he did not mean at that time to take up the time of the House. The bill he thought absolutely unnecessary, because there was nothing which it proposed to remedy which might not be corrected by public opin-

men, and kept down by the influence of public manners, as all times heretofore. The next ground on which he was an enemy to the bill was, because it would be mischievous in that House to make such an invidious distinction between the rich and the poor, as was made in this measure. But, above all, he was an enemy to it, because of the power it would give individuals of inflicting malicious oppression upon those, against whom they might feel resentment or pique, either by indictment under this act at the assizes, or by summary process before a magistrate. Much as he respected the integrity, independence, and abilities of the magistracy of his county, he would not pay them the compliment to consent that they should be intrusted with the unlimited powers of oppression, which a jurisdiction by summary process under this bill would give them. This was an extent of power which he could never consent to commit to any body; and this formed a principal part of his objection to the measure. He must deprecate any attempt to legislate upon this subject, at least for the present. If they were to take up the question, he was of opinion that they should defer any further progress in the measure until they should have for the discussion of it a future session. Besides, the wording of the act appeared to him, unlearned as he was, unintelligible; and he was persuaded, that it would appear equally unintelligible to those who would have to carry the measure into execution. The penalty was to apply to those who should maliciously or wantonly inflict cruelties on animals intrusted to their care and management. As to the term maliciously, so far as it was to depend upon the evidence of a deliberate system of cruelty, it might be intelligible. But what construction was to be put on wantonly, or what was to be considered as wanton cruelty, further than as it might appear to each particular individual, he was at a loss to know. Why, if each individual who may see any such transaction was to put his own construction upon it, any gentleman who might happen to overide his horse hunting, would be liable to a charge under the bill. What a fruitful source of prosecution would be furnished by such case, occurring too in a chase undertaken for the purpose of killing an animal, might be judged of from a perusal of any of the accounts of the sporting occurrences. The accounts usually began, "Lord Such-a-one's hounds threw off at such a place

upon such a day: above fifty horsemen were present at the commencement of the chace, only three were in at the death—at the death observe. (*Hear, hear!*) Several horses were killed in the chace." (*Hear, hear!*) And the account generally concluded with a statement that the sport's spirit was the finest ever remembered. (*Hear, hear!*) He did not mean to attack the amusements of his honourable friends, in which, any more than in horse-racing, he did not contemplate that degree of cruelty which others were disposed to discover in both. It did not always follow that the whip was necessary in a race, though, when it was spared, he would admit it was not in consequence of the humanity of the owner, but a conviction that it would not be of any use in the race. (*Hear, hear!*) They would all have in their recollection an instance that had occurred lately at the Epsom races, where, contrary to all expectation, a race had been won by the use of the whip: in the application of which, for that purpose, more suffering must have been endured than in any ordinary case of cruelty to horses or other animals. Upon the whole, he thought the bill would be a disgrace to that House, and an act of monstrous injustice to the lower classes, and upon that ground should propose to negative the motion for the Speaker leaving the chair, with a view afterwards to move that the bill be committed this day three months.

Mr. Steven was ready to do justice to the ingenuity and talents of the right honourable gentleman, but begged, when he talked of the humanity claimed by others, to ask whether that right honourable gentleman, and those who thought with him, did not affect to be above vulgar prejudices? He denied, that this was a new era, as had been stated, in legislation: because humanity had ever been a characteristic of British jurisprudence. It was the duty of that House to protect useful animals from wanton and malicious cruelties; and he contended that if any of the cases alluded to by the right honourable gentleman should come within that description, the persons concerned would be within the operation of the act. The bill was intended to prevent practices specifically mentioned, and all the objections of the right honourable gentleman were only to the enactments of the bill, and might be removed in the Committee. The argument of the right honourable gentleman, namely, that the bill did not go far enough, would

equally apply to prevent all crimes, if it were to be admitted. No law could reach dishonesty generally, but though they could not prevent the moral existence of dishonesty by any positive law, that would be no reason why housebreakers, felons, and others, should not be punished by law. The bill, he contended, went directly to its object, and as such should have his most cordial and decided support.

Mr. Davies Gilbert had hoped that the able and convincing speech of the right honourable gentleman opposite would have produced an unanimous vote against the bill in that House. He was an enemy to the bill on the grounds stated by the right honourable gentleman, as well as because it did not draw any definite line to make the offence, and would consequently lead to arbitrary decisions.

Mr. Wilberforce argued ably and eloquently in support of the bill, and strongly enforced the arguments of his relation (Mr. Steven.)

Mr. Windham, in explanation, said, that when he spoke of partiality in the selection of animals, what he meant was, that the selection was that species of cruelty which the lower classes were likely to commit, but not that species of cruelty which was likely to come from persons of the same rank in life with themselves.

Mr. Frankland thought that a bill so novel in its nature as the present required more time for its due consideration. He did not credit many of the facts which had been stated, and called for evidence to be produced at the bar. He then mentioned that he himself saw a man once striking a horse on the head with the butt end of his whip, in a manner that appeared to him most cruel and brutal. He interfered; but the man, with a most good-humoured countenance, assured him that it was necessary to frighten the horse by striking him on the head, and that if he had struck him with the small end of the whip, it would have put the animal to greater pain.

Mr. Jekyll professed himself a warm friend to the bill, which was founded on moral principle. He had many years since considered this subject of cruelty to animals, together with his noble friend (Lord Erskine) the mover of it. There was one case which was peculiarly brought before their notice, when in the time of scarcity, a number of horses that had been sent to a slaughter-house were kept famishing, till really, like Duncan's horses, they

upon such a day; above fifty horse-guard
the commencement of the chace, only
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were killed in the chace." (*Hear*,
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his summary jurisdiction determined upon the
bility of the witnesses or of the accusation.
Sir W. Williams mentioned a case, where he
met a man beating and spurring his horse most
cruelly, and he threatened to take him before a magis-
trate. The man defied him, and said the horse was his
own, and he would treat him as he pleased.

The Chancellor of the Exchequer was ready to give full credit to the intentions of the noble mover of this bill, but thought that it was a subject which required great consideration. If such cases as that stated by his honourable and learned friend (Mr. Jekyll) were intended to be included under the general words of wantonly and maliciously abusing those animals, he could not readily bring his mind to assent to it: for who was to judge exactly of the quantity of food which ought to be given, or of the quantity of punishment or of spurring which was necessary to oblige a horse to make the exertion that was necessary? Who was to judge of the exertion that was necessary? Suppose the man who had been met by the honourable baronet was riding to get a physician for a sick wife, was to be made liable to be stopped in his journey, and taken before a magistrate, if any person passing thought he beat or spurred his horse too severely? He thought that it would be much safer not to adopt a mea-

ance of this nature, at the very close of the session; and that if the noble lord, who had been so long considering the subject, had not made his bill complete, they might well despair of their powers of mending it with so little time for consideration.

Sir Samuel Romilly could not allow that there was any thing in this bill so vague and indefinite as had been stated by the right honourable gentleman. The words of the bill were "wantonly and maliciously abusing." These were not words of vague and indefinite signification, but such as magistrates and juries on other occasions conceived sufficient for their direction. As to the quantity of punishment or severity, the crime was entirely in the degree of it. Thus, where a man has dominion over his fellow creatures, such as a master over his apprentice, or a father over his child, they can never be accountable for that ordinary severity, which may be necessary, or be conceived to be necessary with respect to those whom it is their duty to govern. There was no one, however, would say that there were not degrees of cruelty in the exercise of this power which our laws very properly punish, and which juries and magistrates do not find it difficult to determine. But in this bill the words "wantonly and maliciously" being introduced, it would be still harder for the juries to mistake the proper line. He did not see how there could be any doubt; and he thought it would be a strange thing, indeed, if the legislature were to forbear from making laws, merely on the statement that magistrates and juries would not understand them, and would determine in a manner that the law never intended. This was also supposing magistrates and juries to be absolutely void of common sense, and incapable of finding out what should be conceived wanton cruelty to an animal, although they are allowed to be perfectly capable of judging of what is unreasonable cruelty to a child, or an apprentice. He differed very much with the right honourable gentleman, (the Chancellor of the Exchequer) in his opinion of the case that had been stated. Could any body doubt, but that if a man were to bring a number of horses, or any other sensitive animals, and keep them in a confined place, famishing to such a degree as to prey upon each other, that this was a wanton and malicious abuse of his dominion over those animals? (*Hear, hear! from many members.*) An honourable gen-

upon such a day; above fifty horsemen [illegible] the commencement of the chace, only th[illegible] death—at the death observe. (*Hear, h[illegible]* were killed in the chace." (*Hear,* [illegible] count generally concluded with [illegible] spirit was the finest ever rame[illegible] He did not mean to attack the[illegible] able friends, in which, any [illegible] did not contemplate that [illegible] were disposed to discover[illegible] The low that the whip was p[illegible] with If it was spared, he wou[illegible] was ac- of the humanity of [illegible] to animals would not be of [illegible] to proceed from They would all [illegible] was no doubt at all but had occurred [illegible] tioned had been done, but to all except[illegible] pect to cruelty to animals only whips; in [illegible] y of the property of the owners of suffering [illegible] as another point of view in which this case p[illegible] e of great political importance. It was a whol[illegible] interest that the people of this country should thi[illegible] depraved, and it was well known that cruelty to le[illegible] generally led the way to cruelty to our fellow-[illegible] This was well described by our inimitable Hogarth, who traced the cruel murderer from the early tormentor of animals. He really believed this bill might be considered in a great degree as a bill for the prevention of cruel murders.

For going into the Committee 40.—Against it 27.

The House then went into the Committee.

A conversation of considerable length took place, on the point whether the offence should or should not be deemed a misdemeanor, triable before a jury.

Mr. D. Giddy, the Chancellor of the Exchequer, and Mr. R. Dundas thought it ought not to be such a misdemeanor, but that at all events the Committee should not at that time proceed further. Mr. Windham and Mr. W. Smith thought the chairman should report progress. Mr. Steven thought the clause might stand, by adding a few words. Mr. Jekyll and Mr. Morris were of opinion the offence should be a misdemeanor.

Mr. Lockhart observed, that as so much diversity of opinion prevailed at that late hour, he thought it right to move that the Committee be counted.

ry from the opposition side of No, no—that the n report progress.

Speaker (the Speaker) said, that as an honourable moved that the House be counted—the rule must be strictly complied with, and it was r of the chairman of a Committee, or of e chair of the House, to put any other motion was made.

ccordingly counted, and there not en members present, the House ad-

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HOUSE OF LORDS.

THURSDAY, JUNE 15.

yal assent was given by commission to the vote redit bill, and other bills—in all, public and private, thirty-one.

The commissioners were, the Lord Chancellor, the Earl of Aylesford, and Lord Walsingham.

The judges' salaries bill was brought up from the Commons by Sir James Graham, and other members, and read a first time,

SEATS IN PARLIAMENT BILL.

The Earl of Liverpool, in moving the order of the day for going into a Committee on this bill, stated shortly the grounds on which it was now proposed for their lordships' adoption. He thought it necessary to observe, that this bill had no connection with the question of parliamentary reform. Upon that question he had no hesitation to declare his sentiments, being fully convinced, after the most mature deliberation, that parliamentary reform would be unwise and impolitic, and that it could not be effected without destroying the constitution. He could only figure to himself the most mischievous consequences from bringing all the elections to the standard of Westminster and Middlesex. The present mixed system, on the contrary, afforded the best chance for all classes of men to be adequately represented. With respect to the present bill, it was not intended, in the slightest degree, to take away from the fair legitimate influence of property, but to render illegal the abuse of that influence, and the traffic of it for

money. The practice of selling seats in Parliament had, there was reason to believe, been carried on for a considerable period in a covert way, but had only been openly admitted and avowed for the first time in the present session. Having, however, been so openly avowed, it became absolutely necessary for the legislature to interfere, and to render this abuse illegal. They must either legalize the traffic, or render it illegal. There was some doubt whether this practice was or was not a misdemeanor at common law: but, at all events, the common law could not sufficiently reach it, and therefore it became necessary to prevent this abuse by special enactments. Under these circumstances he trusted there would be no objection to go through with the bill.

Earl Grosvenor considered this measure in principle, as in some degree a measure of parliamentary reform, and with respect to that question in general, he hoped to live to see the day when the system of parliamentary reform proposed by Mr. Pitt, would be carried into effect. He wished to go no further, and had no objection to making compensation to those who would by such a measure sustain considerable loss in the value of their property. With respect to the bill, however, as now framed, he thought it nugatory and delusive with reference to its professed object, whilst it tended in its practical effect to throw the weight of influence into the hands of ministers, as by inserting the word "express" the patronage of the crown might be used with impunity in procuring seats. He could not therefore support the bill in its present shape.

Lord Viscount Sidmouth approved highly of the principle of the bill, and thought it absolutely necessary that some measure of this kind should be recorded in the statute book. If that were not the case, would it not be incumbent upon the noble and learned lord (the Lord Chancellor) or the Master of the Rolls, or Masters in Chancery, the practice of selling seats having been avowed, to sell the seats attached to property, or influenced by property under their management, for the most money that could be got for them. He should have wished, that the penalties in this bill had been rendered more severe, that the solemnity of an oath had been added with respect to transactions, where it was very difficult to have evidence, and that the word "express" had not been inserted. He would not, however, endanger the bill by proposing amendments at

this late period of the session, thinking it absolutely necessary that the principle of this bill should be without delay enacted.

The Earl of Carysfort thought the provisions of the bill fell far short of its title and preamble, and that they tended to increase the influence of the patronage of the crown. He could not give his support to a bill so deceptive and illusive.

Lord Boringdon defended the bill, and contended that if the word "express" had not been introduced, it would have been scarcely possible to make even the most innocent use of the patronage of the crown, and it might even have happened under the bill, as it would then have stood, that persons might have been called upon to prove a negative.

The Earl of Rosslyn commented upon several parts of the bill, for the purpose of shewing the futility of its enactments as they now stood, particularly with respect to one of its professed objects, that of preventing the abuse of the patronage of the crown. There was not near the same moral guilt in trafficking seats for money, as in trafficking for them the patronage of the crown, and yet the difference in the enactments with respect to the two objects, was peculiarly marked. In the former case broad and general words were used, but in the latter, by inserting the word "express" it was scarcely possible that they could reach any case of abuse, unless where the parties were insane enough to make an express agreement.

The Earl of Selkirk also condemned the bill as now worded, and contended that it was a mere trick and deception on the country.

The Earl of Buckinghamshire thought, that by enacting the principle of this bill, and recording it on the statute book, that the best answer would be given to the violent reformers, as it would shew that an abuse was no sooner discovered than a remedy was applied; and it was remarkable that those who were loudest in calling for reform, seemed to consider the measure in this point of view, as they opposed it the moment it was introduced. He could have wished that it had been rendered more efficient; but he thought it of great importance to enact the principle, and from that other enactments might follow.

Lord Mulgrave contended, that there was a clear dis-

tinction between trafficking seats for money and using the patronage of the crown—it being in the former case entirely gratuitous, whilst in the latter the patronage might be used with innocent and honourable motives, although in its effect it might have an influence in procuring a return. It was necessary, therefore, to guard against rendering criminal the innocent use of patronage; and were it not for the insertion of the word "express," it would scarcely be possible to use that patronage in any way without being liable to the charge of making an implied agreement with respect to some election.

The Marquis of Douglas objected to the principle of the bill. He conceived it to be a mere delusion: It recognized evils which not one of the provisions of the bill went to correct.

The House then went into a Committee.

Earl Grosvenor objected to the word "express," as applied to contract, agreement, &c. for purchase of a seat in Parliament.

The Lord Chancellor argued on the other side.

A division took place, when the numbers were—

For the clause as it stood - - - 23
Against it - - - - - - - - 9

Majority in favour of the clause—14

The other clauses were then gone through, the report was received, and the bill was ordered to be read a third time the next day.

The local militia bill also went through a Committee, was reported, and ordered to be read a third time the next day.

The other bills were forwarded in their stages.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, JUNE 15.

The deputy usher of the black rod summoned the House to the House of Lords, where the royal assent was given by commission to the Irish militia regulation bill, the bankrupt laws amendment bill, and the Manchester water-works bill.

A messenger from the East India House presented a return of writers and cadets sent to India, from the year

1793, up to the latest period to which the account could be made up.

Mr. Huskisson presented an account of the amount of three per cent. annuities transferred to the commissioners for the reduction of the national debt.—Ordered to lie on the table.

Mr. Huskisson presented an account of the amount of the four and a half per cent. duties, and the pensions and salaries paid out of them during the present reign.

Mr. Creevey said, that this was merely a return from the Exchequer, and did not go the length of his order.

Mr. Huskisson said, that the return had been made up as far as it could, and was correct so far as it went.

Mr. Creevey was satisfied with the explanation; but gave notice, that next session he would move, that these duties be applied as originally intended, according to the colonial act of 1768.

After a few words from the Speaker, Lord Folkstone. Mr. Perceval, and Mr. Creevey, the paper was ordered to lie on the table.

The judges' salaries bill was read a third time and passed.

ISLE OF MAN.

Mr. Creevey wished to know how much of the produce of the customs of the Isle of Man was applied to public purposes. He therefore moved for an account of the produce and application, from the year 1781.—Ordered.

Mr. Creevey then moved for a similar account respecting the produce of certain lands which had belonged to Lord Amherst in Canada, in lieu of which 3000*l.* was paid to that noble lord.—Ordered.

CATALONIA.

Lord Cochrane gave notice, for next session, upon the subject of operations on the coast of Catalonia, &c. unless ministers should, during the recess, pay such attention to the point as to render his interference unnecessary.

PRIVATE BILLS.

Mr. Perceval gave notice, that next session he would move a resolution respecting the limitation of the time for presenting private petitions. He also gave notice for

next session, of a motion, founded upon a resolution of the present session, respecting the appointment of a person to be reponsible for the care of private bills.

USUAL GRANTS.

Mr. Perceval next moved, that some church dignity be conferred by his majesty on the chaplain of the House; that 1200*l.* be granted to Mr. Wharton, the chairman of the Committees of supply and ways and means; that the usual sums be granted to the clerks of the House, the serjeant at arms, the clerks of Committees, &c.; and that the journals of the House and indexes to them be printed.—All agreed to.

SEATS IN PARLIAMENT BILL.

Sir F. Burdett said, he rose for the purpose of submitting to the House, not a plan for changing the constitution of Parliament, but to lay before them some ideas on the subject of the existing state of the representation. His chief reason for obtruding himself on the House, at this late period of the session, was to put an end to the misrepresentations, and prevent those ambiguities and misconceptions of which he had so much reason to complain. He wished to show how far he was inclined to go, and how far he would not go on the subject. The principal object, however, of the motion, with which he meant to conclude, was, that Parliament should, at an early period of the next session, take into its consideration the state of the representation. This subject was not taken up by him upon light grounds. It had long been the object of all the reflection and consideration that he was able to bring to it. He was anxious also to show that he did not entertain those views that were attributed to him, and that in bringing forward a question touching upon any change in the present constitution of that House, he was not actuated by motives tending to excite dissatisfaction. In introducing the subject to the notice of the House, he would abstain, as far as it was possible, from any exaggerated representation of the state of the grievance he was anxious to remedy. It was not his object to introduce into the House a subject of angry contention, but of amicable discussion. He would refrain from reflecting upon any set of men, or from alluding to the very extraordinary avowals that had been made in that

House in the course of the present session; but with all this disposition to avoid any topics tending to provoke irritation and excite angry feelings, he thought it necessary to notice some doctrines which had been lately advanced within these walls—doctrines as mischievous to the public as they were unfounded and dangerous. He must again repeat, that in unfolding his ideas of what the representation was, and of what it ought to be, it was his wish to avoid every angry feeling on the subject. In order to do this, it would be necessary for him to state whence he conceived the mischief to arise—what was its nature and extent; next, to explain the nature of the remedy he meant to propose, to shew that it was simple and practicable, and above all, that it was not inimical to the spirit and practice of the constitution, or rather that it was the constitution. By the constitution, he did not mean that mysterious thing which eluded the grasp and comprehension of common observers. That he left to those men of sublimated genius, who soared above the clouds to reach it; but the constitution he meant, was that which was to be found in the statute book, and in the common law of the land. If it could be shewn that what he had to propose was not agreeable to the laws, he should feel obliged to any honourable member who would be at the trouble of correcting him, and consent to abandon it. But if, on the contrary, he could shew that what he proposed was agreeable to these laws, was consonant to the principles recorded in our statutes, and in unison with the usages which prevailed at the best times of our constitution, then he would have done enough to justify himself, and to render it necessary for Parliament to apply itself to the subject. There was a most extraordinary doctrine lately advanced in that House, on which he thought it necessary to say a few words. It was asserted, that corruption was not only inevitable, but that it was absolutely necessary in such a constitution as ours, and that it was not so much an evil as a good. Now, of all the bold and paradoxical assertions he had ever heard, this was one of the greatest. Upon these gentlemen's principles, the corruption was not tolerated for the sake of the constitution; but the constitution for the sake of the corruption. But the persons who advanced this most monstrous and pernicious principle could only have looked at the constitution as it appears in the modern practice,

where every thing is confounded. Instead of being, as it should be, a system composed of king, lords, and commons, they had an assembly there which did not represent the people, and usurped the prerogatives of the crown. It had also been advanced in support of corruption, that it was an incovenience or disadvantage consequent upon our prosperity; that it grew with our growth, and strengthened with our strength. He wished that the reverse of this maxim could be applied to it, and that it would be said of it, that it decayed with our decay. When he mentioned decay, he deprecated its being supposed that he was inclined to despair of the energies or resources of this country. No; he was persuaded that it was only necessary to restore the constitution to its primitive purity to enable the country to bear up against, and finally triumph over all the difficulties and dangers by which it was threatened. Corruption was also defended, at different times, upon other grounds. Some persons represented it as so light a matter as to be hardly deserving of notice. Others, on the contrary, maintained that it had arrived to such a state of maturity, and that it was withal so rank and luxuriant, that it was impossible to be checked. One of the apologists of the lesser grievance had given to these petty corruptions the epithet of "cheese-parings and candle-ends." He recollected to have read in a collection of old proverbs, that "all the king's cheese went in parings," than which nothing could be more appropriate to the extent and nature of these corruptions. They were, every one of them, an abuse of the prerogative. But whether the grievance was young or old, of tender or mature growth, he thought it could be removed. *Principiis obsta* was a known and approved maxim, and upon the authority of that he would oppose the farther growth of the slight corruption. If the evil had reached the luxuriancy that was supposed, still there would not be means wanting to repress it. With a fair and proper House of Commons, the evil, however great, however inveterate, might be remedied. Much of that which the House had been doing this session related to reform. It had come to this issue, that some reform was necessary. The bill which they had lately passed on the subject of representation, shewed that something further was necessary to be done. It had been advanced in the course of a discussion, in which the subject of reform was inci-

deptally touched upon, that all men acted from mixed motives. This, indeed, was a very convenient doctrine to defend corruption. It went directly to cut out all principles of morality by the roots. When it was impossible to tell the precise nature of the mixture, how could it be ascertained whether the good, or whether the bad motives predominated?—Notwithstanding the boldness of this assertion, he would undertake to shew, if he did not fear to trespass on the time of the House, that men do not act from mixed motives. They act from ambition, from avarice, from passion, from fear, and the endless variety of impulses to which human nature is subject; but no man acts from mixed motives. In acting from different motives, he cannot be said to act from mixed motives. His motives are not mixed, because they tend different ways to one object; like the many roads which lead to this great town, or the numerous rivers that pour themselves into the sea.

There was another doctrine also advanced, which was extremely mischievous. It was said that while the forms of the constitution remained they were so excellent and good, that something was left, and great hopes might be entertained that the substance of that constitution might be restored to its pristine health and purity. In support of this, and to illustrate the danger of seeking protection from one power against another, the fable of the stag and the horse had been quoted; meaning, no doubt, that to avoid the evils of democracy, they should not throw themselves into the arms of prerogative. At least, so he understood it. For his part, he felt no apprehension for the application of that fable. He had no fear of the prerogative; it was part of the law of the land. It was against its abuse, under a House of Commons, constituted as the present was, that he was anxious to guard. His object was to restore the balance of the constitution; to allow its due weight and rights to the prerogative, and to reconquer and restore their rights to the people. The prerogative was given to protect the rights of the people, and it was to its abuse only that the present state of the representation was owing. Now, one word more on the subject of the forms of the constitution: that any thing could be received from them toward ameliorating the present state of the representation, or restoring it to its old and true principles, he had not the least hope. Of all the

tyrannies by which the powers and faculties of man were bowed down and oppressed, that which was carried on under the forms of legislation was the greatest. This was the frightful state of Rome, as described by the great Roman historian, Tacitus, in his account of the reign of Tiberius. The most horrid despotism that the mind of man could conceive was carried on under legislative forms. There were senates, both for deliberating and discussing, and the people retained their tribunes, and all the emblems of their ancient freedom and weight in the state. Many persons were naturally fearful of what was called innovation. It was an observation of the celebrated Lord Bacon, that of all the innovators he had heard of, time was the greatest; so that while time was changing every thing around them, they remained still. The rotten boroughs were an innovation produced by time. These local sovereignties were so many encroachments on the prerogative; and it was owing to these that they had such a House of Commons now, as the country never saw from the first William to this time. It was owing to this that writs were sent to such places as St. Mawe's and Gatton, from whence the voice of the people never could be heard. Such a departure from the genuine principles of the constitution was not to be endured; or at least it was not to be endured with satisfaction much longer. It was a gross error in the parliamentary leaders, who opposed the court in the reign of the Stuarts, to think that, in encroaching on the prerogative, they were increasing the rights of the people. It was the object of these persons to have it believed that the rights of the sovereign were in direct hostility to the rights of the people. Now this was so far from being the fact, that the prerogative was given for the good of the people; and the constitution, in forming that House, meant that it should be a shield against the abuse of the prerogative. In restoring to the people their rights, he did not mean to put a sword into their hands to destroy others, but a shield to protect themselves. When James came into England, one of his first orders were, that writs should not be sent to rotten boroughs. Similar orders were afterwards issued by succeeding sovereigns. This was a proof that the sense of the people could not be collected from such places. This system was the sole cause of the present state of the representation. This system encroached upon

the prerogative, at the same time that it trampled on the rights of the people. A third power was thus created in the constitution equally hostile to the king and to the subject—a power which played them off alternately against each other; at one time holding up the sovereign as a tyrant; at another, branding the people as seditious and rebellious. It was by these acts, by this detestable management, that this borough-mongering faction reigned the arbiters of society. To break the corrupt, mischievous, and unconstitutional power of this party was no less his object, than to unite the king and his people in one bond; in a bond where allegiance and protection combined, and mutually upheld and strengthened each other. The great Lord Coke had well described the inconveniences of any great departure from the constitution. It would seem as if he had this borough-monger system (for odious as the name was, he could not describe it by any other) in contemplation. The pernicious power of this class was as strong a proof as could be required, of the great advantages that would arise from recurring to the true principles of the constitution; the very first of which was, that the people of this country were entitled to a property in their own goods. It was offered to be proved at the bar of that House, that there were 157 persons who could return a majority of its members. If that were so, these 157 persons were in fact the sovereign. They can impose taxes; they can burthen the country with imposts; they can trample on the rights both of the nominal sovereign and the people. But this faction, third power, or usurpation, or whatever else any one pleased to call it, was no part of the constitution of the country. This principle of local legislators was totally hostile to the laws of England.

If he could come back to the constitution without in the least impairing its form, injuring its substance, or even changing what exists, he trusted the country at large, and the House, would see the propriety, the necessity, and, above all, the safety of adopting at least part of the ideas he meant to lay before them. Whatever discontents had of late years arisen, were principally to be attributed to the system he had described, and to an unfortunate, though well-founded, conviction that that House was not composed in the manner it should be. Were it otherwise, the people would have borne their burthens more cheerfully than they had. Before he proceeded to state very simply the

kind of reform which he meant to apply to the present state of the representation, he would endeavour to point out some of the inconveniences resulting from perseverance in the opposite system. And here he must advert to the state of Ireland, that most important part of the empire. That country, he was persuaded, would derive great and substantial benefit from what he meant to propose. He felt it very difficult to speak on that part of the subject, without breaking through the rule he had laid down. He feared to touch the numerous grievances under which that country groaned, lest he should express himself with more warmth than he intended, or might, consistent with the respect that was due to that House. He entertained, however, the most sanguine hopes, nay, he was as confident as he could be of the result of any great political measure, that the reform in the representation he should suggest would unite Ireland with this country; that it would produce an union of hearts and hands, instead of an union accompanied by a system of intolerance that ought not to be tolerated—accompanied by a system of narrow-minded policy. It was not to be endured that four millions of Irishmen should be aliens in their native land; that they should be put out of the pale of the constitution, and denied those privileges which God and nature intended they should possess. He thought by what he had to propose, he should pave a way for meeting grievances that excited great dissatisfaction in that country. By bringing a great majority of the inhabitants of Ireland within the scope of the constitution, he should convert that which was now our weakness into our strength, and erect into a bulwark for our defence what might be turned into an instrument for our destruction. He was anxious to place not only the simple crown upon the king's head, but to restore to him the sceptre, now held and wielded by the borough-mongers, who possessed all the real power and authority in the state, leaving the sovereign nought but the mere shew and pageantry of his situation. One consequence of having his rights thus filched from him was, that he was under the necessity of confining himself to the circle around him. His time was spent in balancing interests, in playing off one party against another, and of endeavouring to uphold and maintain the administration of his choice by such means. This was the cause that the sovereign had more the ap-

passenger of a rope-dancer than a king. It required all his talents and ability, to maintain the slippery elevation to which he was raised. It was his object to put an end to this state of danger and uncertainty. He would place the throne upon the rock of the constitution, and bind to the sovereign the hearts of every part of the empire. This was his motive for obtruding himself upon the House. He was also anxious to remove the ill-grounded suspicions in which he had been so long subject. He wished to shew those who either wished or thought he meant to go farther, how far he did actually intend to go, and that they were deceived in supposing that he entertained those wild and extravagant notions attributed to him. He was anxious also to explain his object to persons who entertained different ideas. There was also another important acquisition which he thought might be secured for the country, by adopting the principles which he meant to propose. The load of taxes by which the country was now burthened, he conceived might be much diminished, by bringing back the constitution to its ancient principles. He was not putting a sponge upon the national debt, but he could not help thinking that the public burthens might be greatly and rapidly alleviated, by a Parliament fairly chosen by the people. But whether the taxes should or should not be diminished by an House of Commons thus constituted, this important advantage would at least be secured, that the people would be satisfied. In the plan which he meant to propose, he would found himself upon that which Lord Coke said had no fellow, *Magna Charta*, and the subsequent laws, supported by all great writers of the constitutions of states. These were perpetually inculcating the necessity of recurring to the original principles of the constitutions on which they treated; and here he could not help expressing his regret, that many great statesmen in this country, and among them Mr. Fox, with all their powers of debate and discussion, should on this subject alone have lost all their powers of eloquence. But the problem was solved; the mystery was explained by recollecting that it was offered to prove at the bar of the House, that a majority of its members was returned by 157 persons. That majority, or rather the borough-mongers, who sent them to Parliament, would not with safety be attacked in the strong holds and fastnesses of corruption in which they had intrenched themselves.

He would now, with permission of the House, read the plan he intended at a more convenient opportunity to propose. The first article of it was, that freeholders, householders, and others, subject to direct taxation to the state, the church, or the poor, should be entitled to vote. The second would prescribe a convenient division of the places entitled to send members to Parliament, and that each subdivision should return a member. By the third, he would have the elections taken in the several parishes, and Parliament reduced to a constitutional duration. By this plan, they would get rid of all the inconveniences, vices, and confusion attending elections; they would also get rid of the 112 statutes which were enacted at different times, for correcting and preventing these abuses. This plan neither excluded the revenue officer nor exciseman. It got rid of all disqualifications, and it also got rid of that greatest of all nuisances, the attorney, who, wanting a job, erected himself into a mock-patriot, and under the shield of that, scattered the seeds of confusion, ill blood, and permanent hate around him. His plan would get rid of rioting. (*A loud cry of Hear, hear!*) By their cheering, gentlemen seemed to think that it would not: but let them only give it a short trial, and they would soon be convinced of the contrary. In what he had to propose, he had no view to embarrass ministers. It appeared to him that most, if not all, the inconveniences he had enumerated, would be avoided by the elections going on on the same day throughout the country. One advantage of taking the votes in the way he intended, was, that there would be no room for perjury, no room for substituting a fictitious for a real elector. Every one would be known. It would also put an end to bribery, for it would not be worth any man's while to bribe. He would have no object to do so. It would moreover put an end to all the dissoluteness, and those disgraceful and disgusting scenes which revolted the feelings of those who would otherwise be advocates for the exertion of popular right in its fullest and freest extent. It would put an end to all that complicated system of voting, which, under the present state of representation, afforded such opportunities for litigation of the most harassing and oppressive kind. The tax-book would decide who was entitled to vote. Except the lawyers, the attornies, and the king's printer, he knew of no description of men, with the exception of the borough-

mongers, that this plan was not calculated to satisfy. The public would have a choice and no contest, instead of having a contest and no choice. If this plan should pass in the form he meant to submit to the House, or be adopted to any considerable extent, he was persuaded the people would willingly submit to the many inconveniences under which they laboured. A great deal had been said in that House on different occasions, on the subject of the Grenville act. Was not that act, in its origin, a reform? Aye, and a greater reform than that he meant to propose. It was a reform extorted from that House, and rendered imperiously necessary by the flagrant and disgraceful partiality with which it executed its functions, in deciding upon the rights of election and the merits of petitions. He was not one of the enthusiastic admirers of that act. He could speak of it from experience; "*Non ignara mali.*" He suffered from it, according to the common expression, like a toad under a harrow. He could not describe the torments which he endured from that act, when he first tried it; no wonder, therefore, that he was not disposed to try it a second time. Like some sickly gentlemen, he did not like to go through the same course of medicine a second time. If that was a constitutional luxury, as it was described by its panegyrists, he was not rich enough to enjoy it a second time. It appeared to him, therefore, that in getting rid of all these evils, the present state of representation, the whole system of election laws, the fanciful rights of voting the expenses of petitions, and the luxury, or, as he should rather call it the torture, of the Grenville act, he would say, that if he could get rid of all these by a simple and practicable mode, his plan was eligible on that account alone. There was, however, a much greater advantage sure to arise from it. They would have the sense of the nation within the walls of that House, with a moral assurance that no public clamour running counter to it would at any time exist.

Before he sat down, he would say a word or two of himself. The odious epithets of democrat and demagogue had been applied to him, or so uttered as to render it impossible to mistake that they were intended to apply to him. Now, if he was a demagogue, he was the most complete *felo-de-se* of a demagogue that ever was. Was there any thing of the demagogue in the plan he had disclosed? Was it calculated to produce that general confusion

which those who laboured to traduce his public conduct imputed to him? He opened his plan for the purpose of shewing that he did not deserve the calumny by which he was assailed. He had long thought on the subject, and had at length put his thoughts into a definitive shape, for putting an end to misrepresentation, and preventing misconception respecting his future views. He wished to lay this important subject open to free and temperate discussion. He would say nothing more upon it at present. He trusted that in what he said he had avoided every thing calculated to excite angry feelings in that House, or to produce discontent elsewhere. He trusted also that he had fully answered the calls that were made upon him—calls which it was an imperious duty to answer. In restoring the constitution, he conceived that he was strengthening the principles on which the throne was established, and that he was satisfying the people at large. In thus explaining the motives of his conduct, in justifying himself against the foul design imputed to him, he had done no more than what the poor worm that was trodden under foot would do if it could speak. He would in the same manner say to those who took the liberty of censuring his conduct, by ascribing motives and designs to him which he neither entertained nor contemplated, "Pray tread no more upon me." This was the height to which he aspired. In what he had to propose, there was no innovation. He neither intended nor would attempt any. Considering what had passed in the course of the session, it was the duty of the House not to separate without holding out a rational expectation to the people that it would, at an early period, take the state of representation into consideration. The omission to do what was necessary was in effect an act of commission in advance to danger. He should not trespass any longer upon the indulgence of the House, but submit to its decision the following motion:—

"Resolved, that this House will, at an early period of next session, take into its consideration the state of the representation."

Mr. Madocks seconded the motion.

Mr. Perceval thought it incumbent upon him to trouble the House with a few observations, after what had fallen from the honourable baronet, and they would be but a few. The object of the honourable baronet appeared to be, that

the House should give a pledge that it should, early in the next session, go into a Committee on the state of the representation. He saw no reason whatever for entering upon the question of reform at all, and therefore could not agree to vote for any such pledge. In many of the propositions stated by the honourable baronet, he was unable to follow him. Among other things, he assumed it as a fact, that the people were in general desirous of a reform. This he absolutely denied—and affirmed, that on the contrary, they were more united against reform than almost upon any other question—because they thought reform unnecessary. He admitted that the honourable baronet was accustomed to associate with a certain description of persons who were desirous of reform, and who would willingly pass such resolutions on the subject as he proposed to them. But it did not at all follow from that circumstance, that the generality of the people were favourable to reform. He really was at a loss exactly to know what the honourable baronet proposed himself. The honourable baronet said, that all he wanted was to be found upon the statute law of the land. What could he find there that could destroy the ordinary practice of the constitution? The statutes indeed were explicit on the subject of the representation—but something more than this was to be found in the practice of the constitution with regard to that House. What did the honourable baronet propose to do with respect to the privileges of that House? The right of originating taxation belonged to that House at present, by the practice of the constitution, although not confirmed by any express statute. Was the honourable baronet content to get rid of this too among other things? The Lords, certainly, had never given any express assent to this privilege, and would the honourable baronet rank it amongst those abuses which had grown up in opposition to the prerogative? But this was not all. The honourable baronet maintained, that 113 statutes would be get rid of; that if his plan should be adopted, it would overthrow bribery, corruption, tumult, &c. Now how was this to be effected? Would no contest take place for the representation of the honourable baronet's districts? If contests should take place, then there must be canvassing; and all those temptations to bribery, corruption, and perjury would prevail in spite of the honourable baronet's regulations, to the full as much as they prevailed in the

actual state of things. Yet those were the hopes which he held out to those who were disposed to listen to his propositions; but how these hopes were to be realized from his plan, he was at a loss to conceive. But the honourable baronet would further annihilate the regulation with respect to the 40 shilling freeholds, and all that the law had done on the subject to this day; and would divide the country into districts, in which all should have a vote who paid direct taxes to the state, or the church, or the poor. [*Sir F. Burdett—No; those who pay to them all.*] Well, taking it so, there might still be doubts as to what should be considered as direct taxes. The property tax, the taxes for the poor, and the assessed taxes, were direct; but to settle this point completely, there must at least be one pretty large statute instead of the 113 of which we were to get rid. Was this the way in which the honourable baronet proposed to do away the necessity of employing so many lawyers? (*Hear, hear!*) The honourable baronet talked of the advantage of getting rid of the Grenville act, and of all the statutes against bribery, corruption, &c. But why should perjury be more difficult under his plan than it was at present? In his districts, a man who had already voted, might come under another court and swear that he had not voted before, just as easily as the thing could now be done in a county. (*Hear, hear!*) He saw no reason whatever to suppose that any good could arise from the plan in this respect. The truth was, that such a plan could never produce the expected effects, unless the honourable baronet could alter not only the constitution but the frame of the human mind—unless he could at once get rid of human prejudices and human passions. This much he thought it necessary to say; and he did not think that there was any occasion for his going further. As to the honourable baronet's proposition, that the House had admitted that some reform was necessary, he never understood that any such admission had been made. He did not believe that the House would allow that it had ever made any such admission; and the manner in which the hon. baronet's proposition had been received, convinced him that he was correct in his opinion. It would be really raising the plan of the hon. baronet into an importance which it did not deserve, to dwell upon it at any great length. The House, he observed, was ready to come to a decision; and all that he could say, in addition to

the remarks he had already made, would only serve to create embarrassment and delay, in a matter which was already sufficiently clear.

Mr. Maddocks observed, that the right honourable gentleman had, through the course of his speech, assumed that the plan of the honourable baronet was that which would be insisted upon, and ultimately adopted in every particular, provided the House agreed to enter at all into the consideration of the subject. The right honourable gentleman had no title to make this assumption, although he admitted that the great leading points of the plan of the honourable baronet ought to preserved. The real question was, whether the country was to be amused with the pretence of a representation, or whether it was at length to have a real and efficient one. The main point of the plan was the vesting of franchises in the resident householder. A better regulation than this could not well be conceived. It had been treated in a distinguished work lately published, which those who desired to gain information on this subject could not peruse with too much attention, as it contained the most solid and satisfactory reasons for the adoption of such a regulation. It had been the invariable practice in every reign, from the time of Edward the First to that of Charles the Second, to alter the state of the representation with respect to boroughs. Those alterations proceeded upon the variations which took place among the towns, some rising into opulence, others sinking into insignificance; and in all the plans of reform that had been proposed to the House, whether by Mr. Pitt, Mr. Grey, or others, it was always a leading feature to do away the rotten boroughs, and to vest the right of voting in the resident householder. He would take the liberty of reading a quotation from the work to which he had alluded, which was particularly applicable to the point in question.

"The species of property which constitutes this qualification has the advantage of being open, ostensible, and incapable of being disputed. It indicates a real residence, and implies a stationary interest in the place for which the vote is given and the representative chosen. But besides the possession of a competent property, of which the occupation of a House paying taxes is a sufficient presumption, a householder has other qualities which ought to recommend him to a favourable distinction and

particularly to the trust in question. He is necessarily the master, and probably the father of a family. In the first character he has a personal credit and respect to maintain: in the second he has given hostages to society. He is the natural guardian and virtual representative, not only of his family and servants, but of all those who depend upon him for support, protection, or employment. Such a station deserves confidence, and should be made respectable, that all men be prompted and encouraged to rise to it. The relations and duties that belong to it are antecedent to positive institutions, and constitute at once the basis and security of civil society!"

The right honourable gentleman opposite had given no answer to his honourable friend; nor was the plan, if properly understood, liable to the objections which he had stated. With respect to property, which an honourable gentleman below had considered as the basis of the representation, no one could doubt that property was the true basis; and it was because property was not the basis of representation at present, that he wished it to be altered. What right had Old Sarum, and Midhurst, and Gatton, to send representatives to Parliament upon that principle? The notion of universal suffrage he held to be absurd. But surely it was even more absurd, and contrary to the principles of the constitution, to give the right of sending members to Parliament to an old wall, or to twenty-five stones in a field (*Hear, hear!*) The bill which had lately passed in that House (Mr. Curwen's) had only made matters worse by throwing a monopoly of the market for seats into the hands of the treasury. These partial remedies could be of no use where the system was fundamentally wrong. The resolution of 1779 had often been appealed to in vain; and where then was the use of new enactments, the intended effect of which the system necessarily prevented? There was another point to which he was desirous of calling the attention of the House, as he had been misrepresented respecting it, or, at least, as inferences had been drawn from it which were not warranted by the facts. He alluded to the representation which he had made respecting the bargain with the treasury for the borough of Cashel. That part of the charge which stated, that Lord Castlereagh suggested to Mr. Dick the propriety of resigning his seat if he could not vote in favour of the Duke of York, had been also

said. But, it ought to be observed, that the denial was confined to this—and the inference was, that the rest of the charge, which was by far the most important, was positively true. (*Hear, hear!*) He was ready to prove that 5000*l.* had been paid to the treasury for the seat, and that Mr. Dick had been induced to vacate upon a difference arising between him and the ministry, as to his vote on the question respecting the conduct of the Duke of York. This was the important part of the charge which no one had attempted to deny. Under all these circumstances, there was the strongest ground for giving a pledge to the nation that the House would take the subject into consideration. The plan now offered corresponded in its great and leading features with those of Mr. Pitt and Mr. Grey, who were sometimes supported by great divisions, and once the question was lost only by a majority of 20 or 25. In the year 1784 the king had in his speech recommended the subject to the consideration of the House. It had been proposed by Mr. Pitt, that members should be returned for Birmingham, Leeds, Manchester, &c. instead of the close boroughs, that Mary-le-bone, Pancras, &c. should have the right of returning members, and that the right of voting should be extended to the copyholders. He gave his most hearty concurrence to the motion of his honourable friend, and thought that to give the pledge required, would only be doing justice to the memory of our ancestors.

Sir. R. Williams was averse from the imputing of bad motives to any one, and certainly he imputed none to the honourable baronet. But he doubted whether he might not be influenced by those whose views might be less pure. One of the greatest objections which he had to the proceedings of the honourable baronet was, that he did not propose to carry on his plan of reform in that House, but endeavoured to effect his object by means from without. The honourable baronet was reported in Cobbett's Register to have said, that the House of Commons was the only spot where the opinions of Englishmen were treated with contempt. He would have a much higher opinion of the honourable baronet, if we saw in him a disposition to effect his object through that House, instead of a desire to lower it in the opinion of the public.

Sir James Hall observed, that the honourable baronet, though often accused of obscurity, was now plain and

explicit. He had stated in pretty strong terms that the House did not deserve the confidence of the country, and yet he came forward in that very House with his plan of reform. The motives of the honourable baronet might be good, but his conduct, he thought, extremely dangerous. The plan which he had stated amounted to a complete and radical revolution. The first savage in the world would certainly have thought an attempt to cut down that tree which afforded him protection from the weather a great insult. It would be the ruin of a ship if you took away her ballast. The ballast of the British state vessel might sometimes be too heavy, but, upon the whole, she proceeded very well in her course; and even the rotten boroughs might ultimately do a great deal of good. These inappreciable cases produced what was called chance. But as men of wit alone were often lucky in their *bon mots*, so the British constitution clearly appeared to have been the words of sensible men. That constitution ought to be defended without a very narrow or minute examination—for many things which appeared ridiculous at first might be good in their ultimate effect. Since he became a member of that House, he had studied the motives of men a good deal, not only in their public speeches, but in their private conversation, and the result was, a conviction that he had got into better company than he at one time imagined. He affirmed, that its votes were almost always satisfactory to the nation. He adverted, as a proof, to the late vote respecting an improper military appointment, and affirmed that the conduct of the House on the business of the Duke of York would have been equally satisfactory, had not undue means been taken to produce a contrary impression. He himself, however, was one of the minority of 125, though his name had not appeared in the published lists. He could not assent to the motion of the honourable baronet, but he highly complimented Colonel Wardle, who had so well conducted himself in adversity. He hoped he would be enabled to bear prosperity with equal magnanimity, and not suffer his brain to be turned by the intoxicating influence of three times three. (*A laugh.*)

Mr. Hutchinson would not suffer the question to go to a division, without replying to some of the observations and objections which had been made to it. From what he had heard of the honourable baronet's speech, one more

constitutional, more calculated to entitle him to the respectful attention of the House, and to the confidence of the public, or containing stronger professions of a wish to conciliate, he had never heard in Parliament. It was directed to the judgment, not to the passions, and certainly did not, in the smallest degree, justify the tone of scoff and ridicule in which the Chancellor of the Exchequer had replied to it. Its object was to insure the attention of Parliament to the great question of reform at an early period of the next sessions. Called upon as the honourable baronet had been, taunted as it were, and provoked to speak out—misconceived by some—misrepresented by others—he had on that night put the House in full possession of his thoughts, and although not likely on slight grounds to change his opinion, he had nevertheless declared, that being disposed to yield to reason and sound argument, he was anxious to learn the sentiments which others entertained. The subject of reform was not a new one, nor now for the first time introduced; some of the ablest statesmen had considered it worthy of parliamentary inquiry. But it had been objected that the honourable baronet was not a fit person to bring it forward. Would it be seriously contended that with the stake which he possessed in the country, with a property such as had fallen to the lot of few, greater than that of almost any other member of the House? Would it be urged that a man of his rank, of a highly cultivated mind, and of reflective habits, was not qualified to bring forward such a subject? Was this objection taken in downright earnestness? If it were, Mr. Hutchinson would be glad to be informed who was qualified for such a task? The honourable baronet appeared to have considered the subject with great solicitude, and he had presented it as one, which, if acted upon as he suggested, he flattered himself would strengthen the sovereign in the affections of his subjects, promote the welfare and happiness of the people, compose jarring interests, and eventually uphold the state. Such at least were the results which the honourable baronet expected from the measure. Another most extraordinary objection had been made, that he sought to change the constitution of Parliament, not by the assistance of the House of Commons, but by the interference of the people. The gentleman who had urged this last objection seemed to have been strangely inattentive to the

question before the House, and to the concluding motion of the honourable baronet, namely "that the House would, early in the next session, take into consideration the state of the representation in Parliament." Yet the honourable baronet who has thus directly appealed to the Parliament, and to the Parliament alone, is unaccountably accused of having made that appeal to the people. This objection was no more understood, since the honourable baronet had expressly declared that he sought not to innovate, but to restore. Mr. Hutchinson ought perhaps to apologize for noticing an imputation which doubtless the honourable baronet had listened to with becoming indifference, but feeling that the character of every member was as it were the property of the House, Mr. Hutchinson could not refrain from saying that the treatment experienced by the honourable baronet was not that which at least on the present occasion he was entitled to. Mr. Hutchinson in supporting the motion did not pledge himself to the plan submitted, nor to any specific plan, but merely to the principle. He was not ignorant of the objections to which any such measure was liable, and he knew that he hazarded much when he professed himself a friend to reform. However concerned as he should be, that the motives which influenced his vote should be generally misconceived, he was prepared for incurring the suspicions, perhaps the direct censure, of many. In a state which secures to the subject so many privileges and blessings, there is a national jealousy, there is an inherent hostility to any measure that by possibility may injure establishments not more venerable from their antiquity than valuable by reason of their intrinsic worth; but this sentiment, laudable as in itself it may be, frequently is carried too far; particularly where it renders us incapable of discriminating between the individuals who are guided by the light of reason, by the sole desire of altering in order to preserve, and those who are influenced by the most treasonable and base designs. The fate of other nations, which have fallen victims either to the treachery or ignorance of their political leaders, or have been overwhelmed by their blind, unbridled passions, adds not a little to the prevailing disinclination and distrust. The honest zeal of the reformer is set at nought; the very excrescences are too sacred to be touched; even the rust of time is to be respected, lest we should injure or deface. But in contemplating the fall of

other states, we ought not to forget, that they refused to reform, while reformation was yet possible and safe; neither should we confound with the leveller and revolutionist, those who are only desirous of doing away the abuses and imperfections arising from the operation of time, to which every government and all human institutions are more or less liable. The revolutionist would destroy, the reformer would persevere. It is only the ignorant and superstitious who fancy that that which was originally good, perhaps approaching to perfection, is not subject to corruption and decay—"corruptio optime pessimo." He had no doubt that the foundation and main pillars of the constitution were sound; and while he admitted the theory of the composition of Parliament to be admirable, it was impossible not to observe that the people were imperfectly represented, at the present period, in the House of Commons. It was his duty to speak respectfully of the decisions of the House, although he had differed from many of those of the present sessions; but he could not doubt, that had the House been otherwise constituted, the result of their deliberations would have been far different. Had the voice and wishes of the people possessed more influence, the appeals of the members for Oakhampton, Morpeth, Lanerkshire, Boston, Waterford, and Queen's county, could not have been made in vain; nor in the few instances in which ministers were defeated, had there been a different representation, would there have been found a set of men, hardy enough to have defended the measures which were arraigned, and by the vote of the House condemned. For instance, the motion of the member for Hull could not have met with opposition; nor could a moment's resistance have been offered to that of the worthy member for Waterford, who objected to a clause indemnifying from the operation of the law an entire class of his majesty's subjects, which clause was defended by ministers on the extraordinary and disgusting plea of general and incorrigible corruptness; a plea which contained a libel against the people of Ireland, and under the influence of which, an indecent attempt had been made to prevail on the House of Commons to screen from punishment those who had corruptly violated the law. When the member for Carlisle, prompted by the purest zeal for the public interest, introduced a bill for "securing the independence and purity of Parliament," had the

House been differently constituted, no minister would have ventured so to trifle with the feelings and interests of the people as to have converted that bill into one of a directly opposite tendency, a bill which he was one of those who thought ought rather to have been entitled "a bill for more effectually preventing the sale of seats in Parliament for money, and for promoting a monopoly thereof to the treasury by the means of patronage." It originally had his support, but that support he was reluctantly obliged to withdraw, being of opinion that under the all-blighting hand of ministers, it soon lost its primitive purity and value; for, by the enactments as they came out of the Committee, it had become a bill calculated to increase the very evil it professed to remedy, and very alarmingly to add to the already too preponderating influence of the crown in the House of Commons. There surely must be something radically wrong at this moment, when members in their places have unblushingly declared, that seats in that House were procured by money. The avowal in other times of this practice would not have been tolerated; at the present day it has been made, not only without compunction, but with such effrontery, as to have rendered this great and crying public scandal in itself sufficient to justify a unanimous call for reform. The right honourable gentleman (the Speaker), by his impressive and constitutional speech, had exerted himself to assert the dignity, and maintain the honour of the House. That speech should be entered on the journals, that, at a future period, when these debates shall be alluded to, the exposition of the statute law, and of the law of Parliament, under the high authority of the Speaker of the House of Commons, may appear on record as the fullest condemnation of this fraud on the constitution of Parliament. Above all, it was impossible for him to consider the House of Commons otherwise than most defectively composed, when he recollected that the seventh session since the Union had nearly closed, and no attempt made to render that measure beneficial to the Irish people, all inquiry into their condition having been obstinately, not to say systematically, repelled, and pledges the most solemn violated with a levity unexampled between nations! never tolerated by man from man! even the letter of the Union not respected! What else was the "prohibition bill" than a direct infringement of one of the most positive and explicit provisions of that act! Was Ireland thus

contest between the happened to be the weaker party? Had she not sufficiently suffered by the surrender of her national rights? Was this embargo on the export of her spirits to England (perhaps the only benefit, commercial or other, which she has derived from the Union) intended as a foretaste of what she may yet expect? On the whole, judging of the House by their late measures, by that which they have done, and by what they have failed in doing, looking to the formidably preponderating influence of the crown in the House of Commons, and in the country, he had no hesitation in repeating his opinion, that a reform of the House of Commons had become a measure of absolute necessity, and one which he was convinced would not be too soon effected.

Mr. Hesters said he should give his assent to the motion of the honourable baronet. But he wished to be understood by no means to pledge himself to support the particular plan suggested by the honourable mover in the course of his speech. He had been a constant friend to parliamentary reform. He voted for the motion which was brought forward in the year 1793 upon the subject, and again in 1797; and he certainly was of opinion that a reform in the representation was not less necessary at the present moment than it was at that period; and he also satisfied the times were more favourable to the consideration of such a measure than at the periods alluded to. He thought it essentially necessary to give an assurance to the public, that the House would take the question into consideration early in the ensuing session.

Mr. Bonham was averse from the pledge, because he was not convinced that the generality of the people were anxious for a reform. But at the same time he agreed that the honourable baronet had been unkindly treated. No speech was ever more distinguished for its candour and moderation, or less calculated to irritate the passions, than that of the honourable baronet. He wished gentlemen would explain a little what they meant by the restoration of the constitution to its original purity. He could not find, in the course of his reading, any time when the people had greater weight in the constitution than at present.

Sir Thomas Turton asked, whether the constitution in ancient times depended so much upon the borough system? In this respect it might be purified. In ancient

times the representation was a representation of property. These boroughs were once places of great wealth and property, and upon that ground sent members to Parliament. But circumstances being altered, the representation ought to be varied accordingly. In former times, most of the free-holders; but now copyholders were equally free and secure, and might therefore partake of the free-holders' privileges. As to the personal reflections thrown out against the honourable baronet, nay, one or two of the purity of his motives might easily despise them, and in truth, it was always a proof of a bad cause on the side of those who resorted to such means of defence. As to the particular plan of the honourable baronet, he saw very great objections to it in many points of view. But he understood the honourable baronet to require still more than a pledge from the House, that it would consider the subject. He was not over fond of pledges; but concurring in the principle, he would vote for it if pushed to a division. The gentlemen opposite were averse to any consideration of the subject; they would have nothing reformed, and resembled Squire Western in Tom Jones, who in one of his disputes with his sister, exclaimed, "that he would be d——d if he went to church if the liturgy was amended."

Mr. H. Tracey declared himself friendly to the question of reform, and would vote for entertaining it without pledging himself to the particular plan. The right honourable gentleman opposite said, that the generality of the people were not disposed for reform. How did the right honourable gentleman ascertain this? The people in their public meetings had, from one end of the kingdom to the other, expressed themselves in favour of reform; and how could their sentiments be collected, except in their public meetings? It had also been said, that the people scarcely even complained of the decisions of that House. How could that be known? There might be many decisions with which the nation was highly displeased, though its sentiments were not openly expressed. The decision in the case of the Duke of York might have been passed over in this manner, had it not been for some peculiar circumstances in that case which roused the people to a loud and almost universal declaration of their disapprobation. The people had only to become familiar with reform to see its propriety, and even necessity. It was only by connecting it with the French Revolution,

with no property, &c. that it had for a time been rendered unpopular. All this, however, was now over. The people would judge coolly and temperately, without allowing themselves to be distracted by such artifices as these. He did not at all pledge himself to the support of the plan now proposed; but as nothing more was required by this resolution than that the House should take the subject into consideration early in the next session, he would certainly give his voice in its favour.

A division then took place, when the numbers on Sir Francis Burdett's motion were—

Ayes	15
Noes	74
Majority against the motion	59

Sir G. Banbury moved that the House should go into a Committee on the animal cruelty prevention bill, and another division took place. Previous to the second division, Mr. Windham moved as amendment that the bill be committed for this day three months.

On the question that the House should now go into Committee on the said bill, the numbers were—

Ayes	27
Noes	37
Majority against the bill	10

The bill is, of course, thrown out.—Adjourned till Monday.

NAMES OF THE MINORITY ON SIR FRANCIS BURDETT'S MOTION.

Mr. Moore	Sir Tho. Turton
Mr. Cuthbert	Mr. Tracey
Mr. Maxwell	Mr. H. Thornton
Mr. Wharton	Sir F. Burdett
General Campbell	Mr. Lefevre
Mr. Hutchinson	Mr. Wardle
Mr. Western	Mr. Knapp.
Mr. C. Adams	
Tellers { Mr. Madocks	
Tellers { Mr. Harvey Combe.	

The honourable Mr. Lyttelton paired off.

HOUSE OF LORDS.

MONDAY, JUNE 19.

The royal assent was given by commission (Lords Eldon and Walsingham, and the Duke of Montrose) to the woollen manufacture, the Irish militia regulation, the insolvent debtors, the African coffee excise, the seats in Parliament, and the Irish revenue regulation bills, &c. &c.

The bankrupt laws bill was returned from the Commons, who had agreed to their lordships' amendments.

Adjourned.

HOUSE OF COMMONS.

MONDAY, JUNE 19.

The Speaker attended at the bar of the House of Lords, and being returned, acquainted the House, that the royal assent had been declared by commission to the sale of the seats in Parliament prevention bill, the Scotch judicature bill, and the insolvent debtors' bill.

Sir John Sinclair presented his highways amendment bill, and also his bill to limit the number of outside passengers upon stage coaches. Each was read the first and second time, committed, reported, ordered to be taken into further consideration this day three months; and to be printed.

Mr. Wilberforce presented a petition from the Reverend Spencer Clarke, stating, that the petition lately presented to that House on behalf of his curate, contained unfounded statements and gross misrepresentations. It was ordered to lie on the table.

MRS. CLARKE.

Sir Thomas Turton presented a petition from Mrs. Mary Ann Clarke, praying, that certain papers belonging to her, which were taken by order of the House from her lodgings, at the house of a Mr. Richardson, at Hampstead, in aid of the late inquiry respecting his Royal Highness the Duke of York, might be restored to her.

The petition was received; and, on the motion of the same honourable baronet, the papers were ordered to be restored.

RECAL OF CADETS AND WRITERS.

Sir Thomas Turton rose to bring forward his promised motion respecting the determination formed by the court of India directors, to the peremptory recal of those persons whose appointments to India as cadets and writers were procured by corrupt or clandestine influence. The honourable baronet argued at much length on what he termed the cruelty and injustice of not only recalling those persons from India, after years of faithful service; but totally ruining their future prospects, by declaring them incapable of being again employed in the East India Company's service; to the preparation for which, the whole education and study of their youth had been devoted. Some of the persons who now became subject to this harsh sentence were young men of first-rate talents, who had carried out with them certificates of being the most accomplished proficients in the Eastern languages ever sent out from England. If any charge of criminality was fairly imputed in these cases, it was not by the parties doomed to be the victims, but by their friends who negotiated, and the directors who procured their appointments, the persons themselves were not apprized that any risk was attached to these appointments, or that circumstances in the mode of their attainments might render them nugatory, of which it would have been no more than justice to apprize those, in order that they might have been induced to make minute and cautious inquiry before they undertook the trouble and expense of a voyage to India, and devoted some of the best years of their youth to pursuits from which they must now be cut off, for facts of which they would receive the first intimation with the order for their recal. This determination, he said, was founded upon a resolution in a report so long since as 1796. But even if the parties thus injured were apprized of any law which made the places liable to forfeiture that were obtained by purchase or corrupt influence, it was not very natural for them to conceive the company seriously intended the rigorous inforcement of such law, when they every day saw advertisements in the public prints, for the open sale and purchase of such appointments, without any public or avowed discountenance from the court of directors. The honourable baronet concluded by moving, "that this House do not concur with the determination on the part of the court,

of directors, to recal from India the persons so obtaining their appointments, and excluding them for ever from the service of the company, because the House conceived such a measure towards unoffending parties under such circumstances, as contrary to the spirit of British justice and humanity."

Mr. Dundas vindicated the conduct of the court of directors in the determination they had felt it their duty to adopt, however painful to their private feelings, but to which they were bound by every sense of official obligation. The honourable baronet was in an error when he stated that this determination of the directors was founded upon an obsolete resolution of 1796: for the directors had long since resolved to pass over in amnesty all the appointments improperly obtained previously to that date. Equally erroneous was the honourable baronet's statement, that the public were not sufficiently apprized of the determination of the directors upon this subject, or that any person could fairly plead ignorance in excuse; for not only had a positive act of Parliament passed upon the subject, authorizing the court of directors to recal any of their servants in India whom they might see cause to recal; but so lately as the year 1806, they announced in the London Gazette, and in all the London and British provincial newspapers, the determination to annul every appointment in their service, which should appear to be obtained by clandestine or surreptitious means. But if, at the first moment that the court of directors, after a long and diligent inquiry, were enabled to discover the appointments thus improperly obtained, Parliament was to interfere and prevent them from carrying into effect their resolution; and the offence was to pass with impunity in the only quarter where it could be punished with exemplary effect, it would be in vain for the directors to pass any resolution, or lay down any law for the prevention of such abuses. For these reasons, not seeing the House of Commons in any degree bound to adopt the proposition, he would, out of respect to the honourable baronet, rather than oppose him by a direct negative, move the previous question.

Mr. Banks supported the argument of Mr. Dundas, and recurred to the 33d of the King, clause 36, which impowers the court of directors, independently of all controul, to recal their servants. Of this power, the resolution proposed would not in the least degree deprive the

directors, notwithstanding the respect in which they might be disposed to hold the opinion of the House of Commons. The resolution, therefore, if passed, would be nugatory as to its object; and the honourable baronet, to do any thing effectual, ought rather to have moved for a bill to repeal the clause in the act of the 33d of the king, to which he referred, so far as regarded the objects of his intercession.

Mr. Windham rather agreed with the arguments of the hon. baronet than with those of his honourable friend who spoke last, because he thought the persons who must become the victims in this case were not all the guilty; and he took leave to say, notwithstanding that kind of outrageous virtue, so prevalently the fashion of late, and which was for punishing and persecuting every thing which it thought proper to denominate impurity, he could see no very great degree of moral and political criminality in persons obtaining appointments in the company's service for which they were every way capacitated, through the reciprocal and occasional exchange of patronage between the persons having interest to procure such appointments, nor even if the friends of the parties had paid money for their places. He had heard of a spirit of outrageous virtue which held the maxim that

> The nation never more could thrive
> Unless all ****** were burnt alive.

He alluded to a certain description of virtuous persons, with whom, however, he was not enthusiast enough to concur. It might be said, that for the sake of public example, justice should be rigorous, and the innocent sometimes punished with the guilty. The maxim might be true; but where was the man who did not deprecate the necessity? In this case, however, that maxim would be severely exemplified. He saw there was a duty cast upon the directors by the voice of that House, which urged them to a rigour in this case from which he was confident their private feelings would revolt; and therefore the voice of that House might again disburthen them of that responsibility, and protect them against blame, by sanctioning, in the manner proposed by the honourable baronet, the relaxation of so rigorous a sentence upon persons themselves wholly innocent of the cause of their condemnation;

whose continuance in their employments would be of advantage to the public service; but whose dismissal must be for ever ruinous to them.

Mr. Wallace objected to the resolution, because he could see no good to arise from it. The substantial object of the motion was to be relieved from the resolution of the directors, which the House could not effect by such a measure; and it would be most unconstitutional to attempt, by a resolution of that House, to overawe the directors in the due discharge of the duty vested solely in them by act of Parliament. It would in fact be to do away that, by one branch of the legislature, what had been enacted by all the three branches, who had left the whole power of sending out and recalling their servants, entirely to the discretion of the directors of the East India company. The honourable baronet thought the resolution of the directors should at present be only prospective, but if that were to be the case, how could they, after what had passed, suppose that it would be more effectual than it had been on former occasions? He should therefore give it his negative.

Mr. Stephen spoke in favour of the motion. He said, that when this matter of the traffic in East India patronage first came accidentally before the House, he had given it as his opinion, that the House, in appointing a Committee, went out of its province, and had no more business to interfere than they had with the conduct of the clerks of the Bank of England: but having once so far interfered, and the Committee, from feelings of a proper indignation, having expressed a strong opinion on the transaction, he thought it would be but fair and reasonable in the House now to give their opinion on that part of the report of the Committee, in order to neutralize the matter, and that the House might leave the question where they found it, and that the directors might be at liberty to act as they thought proper after it. He coincided in opinion with Mr. Windham, and thought the resolution of the honourable baronet not only an act of humanity, but of strict justice. He dwelt with considerable feeling on the hardship of ruining young men who had suffered the unspeakable torment of having torn themselves from their nearest and dearest relatives, friends, and from their native country, for the purpose of rising in the world; whose prospects would perhaps be just beginning

to lighten upon them, when they would receive their recall for an act done by their father or guardian, to which they were no parties, but altogether ignorant of any thing having been done amiss. Was it to the father who gave the money they were to be brought back? Alas! no—the father might be dead before their return, and it might be to the sorrowing arms of a widowed mother, who looked to him as the prop of her old age; or to those of destitute sisters, who would behold in him an object of beggary and ruin. He was a total stranger to all the parties who could be affected by the resolution of the directors; but, from the circumstances he had mentioned, he could not refuse his support to the present motion.

Mr. C. Grant (the chairman of the East India company) went into an historical account of the proceedings of the court of directors since the year 1798, in which he enumerated the various reasons for entering into the resolutions of 1799 and 1806, respecting the sale and traffic of East India patronage, and said the directors thought themselves bound to adhere to the letter as well as spirit of them. The power had been invested in them by the Committee, and if taken out of their hands it must weaken, and in the end destroy, the establishment. When the matter of there having been improper practices first came out before the House, it was very warmly taken up; a Committee was appointed to inquire into the business, and the daily papers teemed with comments and reflections, to the tendency of which the directors could not be insensible. The honourable gentleman who spoke last had said, that he supported the motion because the resolution proposed by it would neutralize the report of the Committee. He for his own part could not, however, see how it was so to operate; because the directors did not form their resolution on that report, but from a conviction in their own minds that it was absolutely necessary. He had no authority from the court to express their sentiments; but he could say for himself, that unless the opinion of the House should be peremptory and expressed as a kind of command on the directors, he, for his own part, having acted from conscientious motives, and done what he thought the welfare and best interests of the company required, could not alter his opinion on the subject. As to the argument of inhumanity, it certainly ap-

plied to the parents of the young men who are gone out, who know they were acting wrong in giving money for such places, and by no means to the court of directors. He should therefore oppose the motion.

Mr. Fremantle said the resolution was not meant to be imperative; it was no mandate, but merely the opinion of the House on the report of one of its Committees. He thought the resolution a very proper one, and called for not only as an act of humanity, but of strict justice, and as such it should have his vote.

The Chancellor of the Exchequer thought the motion, as worded, clearly told the directors they had acted contrary not only to the principles of British justice, but also contrary to the common rights of humanity. He thought if the House adopted the resolution, they ought to go further, and tell the directors, that they have not only acted wrong, but must rescind their resolution and blot it out of their book. The honourable baronet must surely mean that, or else, master as he had often proved himself to be of language, he would never have worded the motion as he had done. The honourable baronet, and all those who supported the motion, had advanced the same arguments, had all contended there was not sufficient notice. He insisted on the contrary, that the resolutions of 1799 and 1806 published as they had been in the Gazette, provincial papers, and in all the instructions of the court of directors, were fully sufficient. It had been said the House did not want to interfere with the powers of the directors, but only to neutralize them. He thought the House could do no such thing, but that the effect must be what he had stated. The directors had, in his opinion, fairly drawn the line; they had confined themselves to the facts last brought to light, and no one would suffer by the resolution but those who had used those illegal practices since 1806, which was no great length of time. For one, he thought the House ought not to interfere with the directors, who had acted only in a responsible situation, in such a manner as to prevent the patronage of the company from being abused. He must therefore oppose the motion.

Sir S. Romilly said, that the matter having been brought before the House, it must naturally have had a considerable effect on the public. He thought the resolution of the honourable baronet was not too strong, and might fairly be adopted by the House. He expressed his

surprise to hear such austere sentiments of justice, especially in this Parliament, which had been so very lenient in the case of a Secretary of State, who had bartered a writership for a seat in Parliament. In that case they were desired only to look forward, and not to what was past, and the House was persuaded to forego censure, because the bargain was not carried into effect; but when obscure individuals were concerned, though their utter ruin was to be the consequence, the most austere justice was to be resorted to, and there was a severe call for retrospective measures. He thought humanity, as well as justice, required a contrary proceeding, and as such he would support the motion.

The Attorney General said, he could not but think the opinion just given by his learned friend, had been adopted merely to introduce the observations he had made. He restated the arguments of the Chancellor of the Exchequer, and said, the only question was, whether the House should, by the resolution, intimate to the directors that they ought to rescind their resolution. If this motion was adopted, it must have that effect; and he should therefore oppose it.

Mr. Peter Moore spoke shortly in favour of the motion. He said three writerships had been disposed of. Who gave these writerships? Mr. Thellusson. Who sold them? Mr. Woodford, his relation, to whom he gave them. Mr. Woodford had been obliged to leave the country, and Mr. Thellusson was turned out of the direction. The directors had punished those who were guilty, and they had done enough. Any thing more would be to visit the sins of the fathers on the children, and he should therefore vote for the motion.

Sir Thomas Turton shortly replied; after which the House divided, when there appeared

For the previous question 77—Against it 35.

PUBLIC ECONOMY.

Mr. Wardle—"Sir, had I not been so loudly called upon, on a recent occasion, to explain a statement I at that time made, I should not at this moment have thought it necessary to trouble the House, but being so called upon, Sir, I think I have a peculiar claim to the indulgence of the House.

"In the first place, Sir, I beg to state what it was I did assert upon that occasion. I said, Sir, 'That on the event

of an efficient reform in Parliament, such a reform as would insure to the people in their representatives, active supporters of their rights, and faithful guardians of their purse, I did not hesitate to say, that I was of opinion that the amount of the income tax might be done away.

"Had no preceding declarations of a similar nature been made by others, I should not have been surprized at the insinuations that were thrown out, or at the clamour that was raised against me in consequence of such observation; but I confess I am not a little surprized at such insinuations and such clamours, when I have discovered that language similar in its tendency, though much stronger in itself, had been used by a statesman so peculiarly respected by the gentlemen opposite; I mean Mr. Pitt, who, in 1782, said, 'If there always had been a House of Commons who were the faithful stewards of the interests of the country, the diligent checks of the administration of the finances, the constitutional advisers of the executive branch of the legislature, the steady and unqualified friends of the people, I ask, if the burthens which the constituents of the House were now doomed to endure, would have been incurred?' Surely, Sir, this is far stronger language than that which I used. Mr. Pitt tells you, that under such a House of Commons the people would not have been taxed at all: the amount of my assertion was, that a given proportion only of their enormous burdens might be done away. On that, and indeed on several other occasions, I was accused, together with those gentlemen with whom I am most in the habit of acting, of systematically attacking the characters of public men. I solemnly deny the charge; and I do declare, that I do not recollect a single instance in which directly or indirectly I have aimed an insinuation against an individual. That I have attacked a system of corruption, that I have attacked the parties acting upon and defending that system of corruption, I am free to confess; but as to attacking an individual in any other shape than that of a direct and specific charge, I positively deny; if I had done so, it would have been contrary to every principle by which my public and private life have been regulated. But to that system of corruption, which from my soul I deprecate, I shall ever oppose myself; and in so doing I am again supported by the conduct of Mr. Pitt in 1782, who declared, that 'the defect of representation is the national disease; and unless you apply a remedy immediately to

that decree, you must inevitably take the consequence with which it is pregnant. Without a parliamentary reform the nation will be plunged into new wars. Without a parliamentary reform you cannot be safe against bad ministers, nor can even good ministers be of use to you. No honest man can, according to the present system, continue ministers.' So much, Sir, for the system of corruption. And after these quotations, I trust that the clamour which has been raised by the friends of this statesman will cease to exist.

"I shall now proceed to state the reasons on which I founded the opinion I ventured to give, making only one preliminary remark. That such a House of Commons as I described would ever keep in view two points: the one, whether the thing was necessary; the other (if found necessary), that it ought to be carried into effect in the cheapest possible manner consistent with efficiency.

"The first thing that gave rise to the inquiry that established in my mind the opinion I delivered, was my observing in the finance report that there was a regular and great increase in the expenditure of each successive year. That in the year ending January 1808, was 71,989,000*l.* that of the year ending January 1809, 79,391,000*l.* being an increase of 7,400,000*l.* in one year of the public expenditure; this circumstance did much astonish me, and I have now closely gone into the subject. The result of my investigation I beg to communicate, and I shall began with the army. And the first point to which I beg to call the attention of the House, and one in which a considerable saving may be made, is that of the household troops. These troops, independently of the guards, consist of two regiments of horse, eight hundred and thirty-one strong; and of the blues (or king's own), six hundred and fifty-four strong. The two regiments of horse guards cost the country 73,317*l.* per annum, besides the expense attendant on the horse appointments, &c. The whole of this expense might be saved the country, as the blues, six hundred and fifty strong, were quite sufficient for all parade duty; and it is a well known fact, that the two regiments of horse guards never were employed on service, and therefore, for the reason I have stated, a perfectly unnecessary expense.

"Our cavalry force at home (independently of the household troops), of dragoon guards and light dragoons, amounted to 23,499. I believe it will not be denied

military men, that even under existing circumstances, with the continent open to us, that a force of 15,000 horse would be completely sufficient for any thing that could be wanted, besides the regiments of volunteer and yeomanry cavalry, and our dragoons in the East Indies. I then hold it unquestionable, that the regular dragoon establishment at home might be reduced to 18,000 men and 15,000 horse. The present expense of these dragoon regiments (exclusive of the expense of horse appointments, &c.) is 1,277,610*l.* per annum; by this proposed reduction, the saving would be 340,000*l.* per annum.

"The next point of our military establishment to which I shall advert, is that of the foreign corps. This establishment is 24,572 strong; 3470 of which number are cavalry, and 579 artillery. The expense attending it, besides contingencies, is 1,008,017*l.* per annum. I shall boldly maintain that a House of Commons, such as that I have described, would never vote one shilling for the support of a force perfectly unconstitutional, and, in my mind worse than useless, extremely dangerous. That illustrious character, Lord Chatham, in 1757, in the midst of a war, when the bugbear of invasion was held out to alarm the people, thought it his duty to send all the foreign troops out of the country; and fully I am persuaded, that if the voice of the people was heard within these walls, such would be the case at this period. It is far from my wish to reflect upon any body of men; but if gentlemen would recollect the conduct of these foreign mercenaries at Quiberon, at Malta, &c. they must of necessity admit, that although some of these foreign regiments might have distinguished themselves, still that taking into consideration their good and bad conduct, the conclusion must be, that they are not to be depended upon, and therefore ought not to be continued. It is a well known fact, that in Hanover they deserted to the enemy; even with their horses and appointments; and that the British troops were employed to watch over them, and eventually to see them once more embarked aboard our ships. When we consider the mode of levying them, can this be wondered at? Has it not been proved to this House, that numbers of them were taken out of our gaols, at a bounty too, by M. Charmilly and others of that description. Nay, more than this, I know and can prove,

that, from the Spanish gaols they were also enlisted at a bounty, and thus was part of Dupont's army received into our ranks. If this, Sir, is the sort of force that Englishmen would wish to have connected with their native army; I am strangely deceived: but, Sir, my opinion upon this subject stands confirmed by those of officers high in the confidence of his majesty's government. I allude to Sir R. Wilson and the honourable General Stuart: the former, Sir, condemns the sort of force being connected with our establishment; and General Suart, in his pamphlet, thus expresses himself, 'The sooner, however, that foreign troops are removed from our service probably the better; they are as expensive as our levies; and Great Britain is, of all nations, that which neither requires nor ought to have foreign mercenaries.' But on this point, as I have before stated, I have the high sanction of the great Lord Chatham. I have, I am persuaded, still higher authority with me—the feelings and judgment of the people of England. And under this conviction, painful is the reflection to me, that above a million of the public money should be expended upon them. Another, and a very strong objection to these foreign troops is, that the general and field officers belonging to them had in some instances their commissions ante-dated, so as to put them in command over the British officers. This I know to be a fact, and it is a reason in itself sufficiently strong to induce me to say, they ought not to be suffered to remain in the country.

"The next corps to which I shall speak, is one of a different complexion. It is an establishment of late years, the royal staff corps. I can find no other estimate of the expense of this corps than one of 20,000*l.* a year; but I am aware that the establishment is a very expensive one. This royal staff corps is neither more nor less than a branch growing out of the engineers, and formed for the purpose of patronage, our great and eternal bane; the numbers of the engineers might, if that had been necessary, have been increased, and this would have been done at a light expense to the country.

"The next topic is that of the militia, and I trust I may throw out a consideration that may be deemed worthy the attention of the House. The militia of the united kingdom amounts to 109,070 men, the annual expense at

tending it is, 3,000,000*l*. If one-half of the men were allowed to be absent the three harvest months, which would be infinitely serviceable to the agricultural interests of the country, the annual saving thereby effected would be 300,000*l*. and on the score of discipline, little injury, can be apprehended, as this formed part of the system of the great Frederick of Prussia. A further saving in the militia expenditure might be effected, by incorporating some of the small corps, and forming them into battalions of a thousand each. Fifteen of the regiments, chiefly Welsh, would form five regiments of the strength I have mentioned, and would give a saving to the people of at least 20,000*l*. a year.

"In the next place, I shall advert to a new establishment, that of the local militia, and one that has been marked by a most profligate and wanton expenditure; an establishment, that in my mind is not of that description that ought to have been resorted to in such times as these, when it is clear that the battle for our rights and liberties against our foreign foes, if fought at all upon English ground, must depend upon that invincible force, the armed population of the kingdom. By the estimates on the table it appears, that there had already been voted on this account—

For pay - - - - - - - -	£.458,532
For the staff (on account, when not embodied)	30,960
Clothing - - - - - - - -	417,831
Contingencies - - - - - -	86,480
	£.1,210,803

And in addition to this it appeared, that no less a sum than 240,000*l*. had been paid to the volunteers, for changing from one home service into another. Of all the profligate public expenditures that I know of, this, Sir, appears to me the most profligate. And let me ask, whether such a House of Commons as I have described would thus have voted away the money of the people? On a due consideration of all the circumstances, I feel persuaded that here a saving of 700,000*l*. a year might be made.

"From this subject it is an easy transition to that of the volunteers. I find the estimate of the expenses of the volunteers exceeds a million of money for this year, a circumstance that appears extraordinary; as I have

just shewn, that no less a sum than 240,000*l.* has been paid to the volunteers for exchanging their service to the local militia, and the total expense of this establishment last year was 1,094,379*l.* so it seems a determined point, that though the numbers are lessened, the expenditure should continue the same. But, Sir, I am of opinion that the million of money might be saved to the people; for why should we not resort to that system, that answered so well a few years ago, and which without a doubt might still be resorted to with good effect. In the year 1780, the volunteers of Ireland served their country without either pay or clothing, and I believe it must, on all hands, be acknowledged, that more efficient volunteers never had been established. That the same system should now be pursued, is not only my opinion, but that also of officers high in the confidence of the government, I particularly allude to Sir Robert Wilson, and beg leave to read an extract from his work. Upon the subject, he says, 'Every householder should be obliged to provide, and keep a stand of arms in good order. Every man in the empire should be instructed in the use of them, and in a short time the humblest individual would be ashamed, if he did not know the necessary exercise.' Military ardour is very readily inspired, but the pursuit must not be attended with great inconvenience or expense;' he adds, 'military clothing is not necessary for such a force. The eye may not be equally gratified, but appearance is not worthy a moment's attention. With the preparations for a contest which ought not to last six weeks, what has the attire to do? What advantage does a splendid dress offer to the state? Where are the funds for supplying this expensive equipment?' These, Sir, are the sentiments of a British officer, fixed upon by his majesty's government, for establishing a force of the soft at this period, in Portugal. I most cordially agree with him, and in agreeing with him, recommend the saving a million of money from the burthens of the people.

"The next establishment to which I shall beg the attention of the House, is that of the royal waggon train. By the papers on the table it appears, that besides the extra expenditure, which I understand to be great indeed, the annual expense of this corps is 48,099*l.* and yet I am persuaded that all disinterested persons acquainted with this establishment, would declare it to be as useless as it

is expensive. The waggons had been found fit only for home service, where they were not wanted; the absurdity of the system was fully ascertained in the expeditions to Copenhagen, Spain, and Hanover; where it was proved to be perfectly inefficient. Under this impression I have no hesitation in saying, that this establishment ought to be abolished: the extent of saving by its being done away, further than the 48,993*l.* a year, I have no documents to shew. This waggon train had been formerly attached to the ordnance, and it would, I believe, be difficult to give the House a satisfactory reason for its being removed from it.

"The next corps on which I shall have to remark, is one that never has, as I am informed, either done or offered to do any service whatever. I mean the corps of Manx fencibles; it costs the people 24,184*l.* a year; and is stationary in the Isle of Man, where volunteers are also established; to comment upon such an expenditure as this, must indeed be unnecessary. I claim the whole as a saving.

"The staff of the army I shall now proceed to comment upon. The general annual sum it costs the country now, amounts to no less than 440,649*l.* the expense of the home staff according to the papers on the table is 255,590*l.* a year, that for Great Britain, I believe in the year 1793, was only 28,929*l.* Any thing more flagrant than this could not readily be conceived, without dwelling upon a point that speaks for itself, I will at once pledge myself to shew, that 200,000*l.* a year ought to be saved to the country.

"I beg now to call the attention of the House, to the recruiting staff, bounties to recruits, and the levies. The recruiting staff costs the country 34,939*l.* The extent of bounties given to recruits is known to the House, and above all the profligate expenditure that has existed under the head of levies, is fully ascertained. The expense that has attended this vile system is enormous, and I do not hesitate to say, that if a stop were put to it, and if that wise, just, and honourable plan of the right honourable gentlemen near me, was acted upon, that a saving of 200,000*l.* a year might be made, and the service materially benefited.

"The next subject is that of army agency, 61,075*l.* was now annually expended, and I will take upon myself

to prove that 51,075*l.* may be saved, and the business as effectually carried on, by the addition of 10,000*l.* a year to the general agency office already established.

"I have stated, that the business of the war-office might be effectually done for 30,000*l.* a year, which would save 84,000*l.* I repeat that assertion, and I beg to add, that a like saving might be made at the pay-office, giving to the country on both 48,000*l.* a year.

"I shall now take into consideration the ordnance department, where I find the expenditure to be in the year ending 5th January, 1807,—4,511,064*l.*

1808, 4,190,748*l.*

1809, 5,105,900*l.*

an increase in the last year, of near a million of money. But, Sir, without detaining the House one moment unnecessarily, I shall proceed to particulars. And first, as to three establishments, bearing in some degree on each other. The horse artillery, consisting of twelve troops, which cost annually, independent of great contingent expenses, of which I have no return, 113,000*l.* The corps of artillery drivers 229,000*l.* besides enormous contingent expenses. The contract horses 299,083*l.* The latter sum I have no fear to say, might certainly be saved to the country, for I have it from an authority I cannot doubt, that the horse artillery, with the corps of artillery drivers, was more than could be wanted under any possible circumstances. The artillery drivers are at present entirely attached to the guns, and part of their duty is performed by the contract horses, and this too at a moment when the horses belonging to the corps of artillery drivers were actually suffering from over-feed and idleness. If any gentleman doubted the fact, if he would only go as far as Woolwich, he would be convinced that such was the system of the ordnance, and that too at the very place, where we might have hoped such flagrant abuses could not have existed.

"The next subject, and one which I think the attention of the House should be particularly directed, is that of our fortifications at home. Particularly, Sir, as it is not many years ago, that after a long and able discussion, it was declared to be the opinion of the House, that a stop should be put to what was then deemed an useless expenditure of the public money, and a more useless expenditure could not in my mind be readily discovered. By

the papers on the table it appears, that above 70,000*l.* has been expended in the last year, on the building and repairs of fortifications at home. This was highly unjustifiable, and would appear the more so, when the mode in which it was applied was considered. A more conclusive specimen of the waste of the public wealth can no where be found better than on Romney Marsh, where, for the protection of our shores as we are told, a great number of Martello Towers and batteries have been erected. It was intended that these towers should each carry a long gun and a howitzer; after they were all finished, it was discovered that the dimensions had been mistaken, and that they would only carry the long gun, and this gun cannot be brought to bear upon any object within 250 yards of the tower, leaving of course that proportion of dead ground; but this mistake is not the only one, the foundation was upon a par with the upper works; and in November last, there was no small degree of alarm for the safety of these towers, in consequence of there being several feet of water in them; four out of the number are built upon quicksands; but still a more extraordinary part of this system of defence, is that six miles of shore beyond the last of these towers (rather more commodious for landing than that part that has been fortified,) is left open to the enemy, without even one solitary tower or battery; there remains then one thing yet to be done, to persuade the enemy to allow the English pilots to bring their ships within the range of our fortifications.

"The royal military canal is another specimen of folly and of wanton waste of the public money. This canal is intended as a line of defence; it begins on Romney Marsh, and is continued for about twenty miles. As a military work, it rivals the fortifications I have just mentioned; if possible, surpasses them: for it is so constructed, that the fire of the soldiers within the parapet cannot be brought to bear upon the canal, so that the boats of the enemy might cover it unmolested, particularly as the canal has not a single flanking position. This blunder, like that of the Martello Towers, was soon discovered after the work was finished, and now I hear it is a matter of dispute, how a further sum of money should be laid out, whether in flanking positions, or building towers for its defence. Thus was the public money wasted; and this too after the subject had been so fully discussed and

divided in the House of Commons. Fortifications are not wanted in this country: the people of England can defend their own shores! I would ask, what were the use of the enormous fortifications building on the heights of Dover? To man those fortifications, together with Dover Castle, would take twenty thousand men. And is there any one mad enough to suppose, that Buonaparte would attempt to land in the face of ten thousand British soldiers, without any fortifications whatever; but here was double that number of our troops to be locked up and incapacitated from serving in the field. Under all these circumstances, I do not doubt but that 500,000*l.* out of the 700,000*l.* annually expended, might be saved to the country; the remaining 200,000*l.* appears to me a larger sum than ought to be appropriated to any such purposes. I have further to observe, that the fortifications erected in Essex are now falling rapidly into decay; and that whilst the famous military road in Surrey is ploughing up, it must be a satisfaction to the public to know, that another is forming in Scotland; and that probably when that is again ploughed up, that one may possibly be constructed in Wales.

"I shall next proceed to consider the commissariat. Of this department too much has been heard, too much is known to entitle it to any respect. The evidence so lately given upon this subject by Sir Arthur Wellesley was quite sufficient to stamp its character; and I understand that this gallant officer, whose judgment and accuracy no man would doubt, was no better pleased with his present commissariat, than he had been with the one that preceded it. The papers on the table would shew, that from the army extraordinaries alone no less a sum had been expended in the foreign commissariat than 1,542,705*l.* Of the expense of the commissariat at home there was no account; but that of Ireland deserved particular attention. The establishment in that kingdom is stated to cost 95,903*l.* a year, the amount of the supply issued to the troops 159,231*l.* so that about 75*l.* per cent. is paid for the delivery. Whether the same economical system is pursued in the foreign and English departments I know not; but this I know, that the profligate expenditure of the commissariat is proverbial, and that a saving of at least 400,000*l.* a year might be made without difficulty.

The next item of our military establishment, and one that keeps pace in wanton and excessive expenditure, is the barrack department. The barracks of Great Britain and Ireland cost the country last year 764,942*l.* To prove this a most shameful expenditure, there would be no difficulty; for amongst other things it is a fact, that at the time 100,000*l.* is granted for the building of new barracks, several barracks, long ready for the reception of troops, remain unoccupied, as do many for which annual rents are paid. In the county of Wicklow, I believe there are no less than three excellent barracks unoccupied, notwithstanding which the job goes on, and new ones are now building, and this at a moment when timber is advanced from 50*s.* to 25*l.* per ton! add to this the abuses detailed in the reports, and many of which exist in full force, and there can be little doubt but that 350,000*l.* might be annually saved from this monstrous expenditure.

"Upon the medical department of the army I have already given my sentiments in this House; I have now only to repeat what I before stated, that I believe 100,000*l.* a year might be saved to the country, independent of the heavy pecuniary loss we sustain in the numbers of our troops that fall victims to the maladies that so dreadfully prevail in the West Indies, and other such climates which medical men of ability, and acquainted with the subject immediately before us, calculated at much more than 100,000*l.* a year.

"To the next subject, I have also before called the attention of Parliament, I mean the clothing of the army. Whenever I have an opportunity of renewing that discussion, I shall be ready to shew that nine shillings a man may be saved to the public, if open competition, instead of private bargain, is resorted to. General Stuart in his pamphlet thus writes upon this subject. He says, 'The clothing and accoutring of regiments ought to be undertaken by government, and not by colonels, who, as inspectors of the contracts of others, will do the soldiers as much justice as by the present system; it is conjectured that a much smaller fund than is as at present raised by stoppages might suffice, if the method pursued in clothing the Austrian army was pursued in our own.' Now, Sir, in confirmation of this doctrine, I learn that Mr. Court-

ney, the army clothier, has at this time 5*s.* 6*d.* a man by open contract less than Messrs. Pearse have by private bargain, on the clothing alone; and I maintain, if the accoutrements were also supplied by open competition, that the nine shillings would be saved, amounting upon 300,000 men to 135,000*l.* a year. The clothiers under private contract were also, by their own confession, in the habit of charging at the rate of ten per cent. a year in consequence of not being paid under six months. Now, without much calculation, it is clear that the borrowing the money even at five per cent. and making prompt payments, would give an additional saving of 15,000*l.* a year, supposing the amount of the clothing only to reach 700,000*l.* a year. But here we are cutting with a two-edged sword; for in other departments I can shew, that money by impress bills is paid in advance to contractors and others (who ought not to be so paid), and our army clothiers are charging us at the rate of ten per cent. because that money is given to the contractors, and not applied to that purpose which would be of advantage and a great saving to the country. Another considerable saving, to the amount of 20,000*l.* a year, may be made on the packing and insurance of the clothing to foreign stations. And in this year's extra clothing to Spain, &c. added to the colonial corps, if open competition had been resorted to, 100,000*l.* might also have been saved, making the amount of saving on this year's clothing expenditure 270,000*l.*

"I shall now, Sir, conclude the consideration of the military department, with a statement of what the general expenditure has been for the last four years.

"In the year ending, 5th January, 1806—17,314,023*l.*
1807 15,275,859.
1808 15,596,539.
1809 17,490,111.

"In justice to those gentlemen who never were in the habit of sparing me, but to whom I do not feel the less disposed to do justice, I must observe, that during the two years that they were in office, the military expenditure of the country was two millions less than what it had been under the management of their predecessors, or than what it was under the management of his majesty's present ministers.

"Having done, Sir, with the military part of the sub-

ject, I shall now proceed to the civil. It appears to me, that a very material saving may be made in the expense that now attends the collection of the revenue. And first, with regard to the post-office; by reports that have been on the table, it was proved that within the four last years, immediately following the event of Mr. Palmer quitting the post-office, there was an increased expense in that establishment of above 180,000*l.* Under Mr. Palmer's management, the expenditure did not exceed 200,000*l.* a year, it was now 400,000*l.* Why this increase had occurred, or rather why it had been suffered to occur, I know not, but I feel perfectly convinced, that no satisfactory reason can be given for it.

"I have obtained much information with respect to the collection of the customs, and as to the patronage of that department of the revenue. Amongst other things, I find that before the erection of the East India, West India, and London docks, the landing surveyors had considerable difficulties to encounter from the extent of the wharfs over which they had presided. When those docks were built, and the sphere of their labours was consequently commodiously contracted, it was fairly to have been expected, that their numbers would have been decreased; on the contrary, three additional ones were appointed, and the public have ever since had to pay ten instead of seven. Similar abuses of patronage in that and other departments have come to my knowledge, but the one instance sufficiently proves the system, and it will not, I am persuaded, eventually be found that I have not strong ground for asserting, that a very material public saving may be made here. In the stamp-office, the annual charge would be found 130,000*l.* per annum; a decided waste of the public treasure was apparent here: this expenditure I could shew, might be greatly reduced indeed. For the collection of the window-light duties in Scotland, the charge was 20 per cent. for that of the old malt duty, 16 per cent.; for that on candles, 12 per cent. Would any one be bold enough to say that these were proper charges? I think not, and I hope to prove hereafter that they ought greatly to be lowered. I shall next advert to the receivers-general, who are, I understand, allowed 1½*d.* in the pound, and that upon six millions of money annually, besides balances allowed to remain in their hands to the amount of 410,000*l.*; the loss of interest upon

this to the public is above 20,000*l.* a year; but the fact is, as the accounts at the end of the year will shew, that instead of 410,000*l.* balances to the amount of near a million will be found in their hands, and in those of the collectors. Why such a practice as this should be tolerated, instead of those balances being paid immediately into the bank of England, I am at a loss to conceive.

"I shall next, take a comparative view of the expenses attendant on the collection of the revenues in England, and Scotland, I find it to stand thus. The expense of collection of

The customs in England, 6*l.* 14*s.* 5*d.* } excess in Scotland,
Scotland, 8*l.* 5*s.* 8*d.* } 1*l.* 11*s.* 3*d.*

Excise in England, 2*l.* 15*s.* 3*d.* } excess in Scotland,
Scotland, 6*l.* 3*s.* 3*d.* } 3*l.* 8*s.* 0*d.*

Stamps in England, 3*l.* 2*s.* 11*d.* } excess in Scotland,
Scotland, 4*l.* 18*s.* 8*d.* } 1*l.* 15*s.* 9*d.*

"This difference appears to me very extraordinary, and I am persuaded, that the expense of collecting these revenues in Scotland may at least be reduced to the rate now charged in England. The land and assessed taxes in Scotland, are collected at 2*l.* 19*s.* 11*d.* per cent. when the collection in England costs 3*l.* 12*s.* 9*d.*—an excess of 12*s.* 10*d.* per cent. in England. I would ask in what does this originate? The gross receipt of the revenue of Great Britain, for the year ending 5th January 1809, amounts to 64,734,272*l.* the charges of management upon this sum amounted to 2,816,568*l.*, being at the rate of 4*l.* 12*s.* 9*d.* per cent. by reducing this charge to 3*l.* per cent. of the practicability of which, for reasons already stated, and others equally strong, I have not in my mind the most distant doubt, the annual saving to the public would be 1,051,980*l.* But, according to the system now pursued, the expense of collecting the revenues increases annually: for the year ending

5th January 1807, it was, 4*l.* 5*s.* 0*d.* per cent.
Do. 1808, 4*l.* 10*s.* 5*d.* do.
Do. 1809, 4*l.* 12*s.* 9*d.* do.

Why was this? As the revenue increases, the rates of collection increase, when in fact, they ought proportionably to diminish. I will again, Sir, do the late ministers the justice to observe, that during their continuance in office it was that the revenues were collected at the lower rates, and indeed, since the year 1807, when they quitted

office, the charge for collection has increased 7s. 9d. per cent. making a difference to the people of no less a sum than 205,252*l.* per annum. I think I have now, Sir, shewn sufficient ground for my opinion, and that above a million a year may be saved in the collection of the revenues of Great Britain. I shall now proceed to comment on the rate of collection in Ireland, and I trust, when I am speaking of the savings that may be made in this part of the united kingdom, that it will be borne in mind that England pays in a proportion of fifteen-seventeenths of the whole, and, therefore, will benefit precisely in that ratio, by the saving that is made. As to the irregularities in the collecting the revenues in Ireland, the House has lately had so marked a specimen, attended with such a serious loss to the country, about a million and a half, that it is unnecessary for me to dwell one moment upon that point. The gross receipt of the revenue in Ireland, 5th January 1808, is 5,[illegible]51,669*l.*; on this the charge of management was no less than 548,663*l.*, which is at the rate of 9*l.* 16*s.* per cent. If this were reduced to the rate (excessive as it is) at which the revenue of Great Britain is at present collected, namely, 4*l.* 12*s.* 9*d.* per cent. the annual saving would be 284,591*l.* but in the present year, the charge of management has been increased 11*l.* 12*s.* 6*d.* per cent. an annual saving therefore of 388,367*l.* might be obtained, if that charge was only reduced to the rate of that at present existing in Great Britain, and that this might be effected, I am perfectly convinced. The charges on the management of the post-office in Ireland, was a strong feature of the extensive reforms that might be established; the charge per cent. on the gross post-office revenue in Ireland, for management, was 40*l.* per cent. when that of Scotland was about 12*l.* per cent. and why was this? to give patronage, for no other possible reason. Put it on the same footing as that of Scotland, and the saving will be enormous, and I should be glad to hear a reason offered why that ought not to be done! Another expenditure of minor consideration, connected with that department, though paid in England, is that of a constant express between the two countries, which has been kept up, ever since the rebellion in Ireland, at an expense of 7000*l.* a year; now though this express when established might certainly have been necessary, still I believe the chief benefit now arising from this expenditure of 7000*l.*

service, is the advantage the lord lieutenant derives, by having his newspapers a few hours earlier than he would have them by the mail; on what authority this establishment exists, I know not, but this I know, that it has already cost the country 63,000*l.* and ought to be abolished. Having detained the House very long, I shall not trespass further upon their time, by entering more particularly into the savings that may be made in Ireland, but proceed to speak of the commissioners and auditors of public accounts. Now, Sir, though I am ready to admit, that auditors of public accounts may not only be useful, but necessary, still I do not feel disposed to say as much of the different bodies of commissioners that have from time to time been appointed—to do what? to rectify the abuses that have arisen, from the neglect of the representatives of the people. I maintain, Sir, that abuses so originating, ought to have been met by the authors of them, and that instead of taxing the people, to the amount of 70,000*l.* per annum, in salaries to commissioners, the business ought to have been encountered by Committees of the House; such, Sir, would, I am persuaded, be the sentiments of a House of Commons, such as I have described; and in one opinion, I think this House must agree with me, that there is no prospect of the accounts ever being settled through the medium of the present plan of commissioners. I believe very little, if any, progress has been made towards this most desirable end. With regard to the annual accounts, I take this opportunity of saying, that they ought to be made out as soon after the expiration of the year as possible, under distinct heads, and in that clear form, as would enable the guardians of the public purse to do their duty to the people, by closely examining the different branches of the national expenditure. The present is a mere system of estimate. Under the head of commissioners I take a saving of 70,000*l.* per annum; as I feel persuaded that Committees of this House ought to undertake this task, however arduous it may be; and not resort, as I before said, to taxing the people for the sins of their representatives.

"The next thing I have to observe is, that by the report of the Committee of finance, the average balances of public money in the bank (allowing for the arrangement with the American States) is about 10,500,000*l.*; and that

report proceeds thus: 'Your Committee are inclined to consider a sum, equal to 5 per cent. interest, on the average balances in question, to be not far from the amount of the profits arising from this source.' The annual interest therefore, Sir, is between 5 and 600,000*l.* The debtor and creditor account between the people and the bank stands thus:

The bank Dr.

For interest of balances (say only)	£.500,000
Paid to them for management of the national debt, year ending 5th Jan. 1809	210,600
	£.710,000

The bank Cr.

By 3 millions in 1806, at 3 per cent. instead of 5 per cent. during the war	£.60,000
By 3 millions in 1808, without interest, during the war	150,000
11,686,000 old capital, 3 per cent. instead of 5 per cent.	233,720
£.4,750,009 in advance on malt-tax, at 4 per cent. instead of 5 per cent.	27,500
	£.471,220

"This gives a balance against the bank of 238,480*l.* a year. Now, Sir, instead of claiming the whole of this on the part of the public, to which, in my opinion, there is a perfect title, I am willing to adopt the line taken on the 10th February 1808, by a right honourable gentleman near me (Mr. Tierney); thus he argued the case: 'With respect to the rate of allowance charged by the bank in regard to the management of the national debt, in his opinion, the bank ought to do that business without any allowance whatever; for he contended that they then would be on a footing with every private banker.' Now, for the reason given by the right honourable gentleman, as well as upon the ground I have taken, I do assert, that the sum of 210,549*l.* charged by the bank for the year ending 5th January 1809, ought to have been saved to the people.

"An honourable gentleman (Mr. Martin) having so

very ably, and so very recently, gone at a great length into the subject of pensions, sinecure places, &c. I shall only have to make one or two remarks on this head. Under the terms objectional or questionable, he shews an amount of 822,296*l.* Now surely, Sir, my claiming credit for a saving of 200,000*l.* a year out of this sum cannot be deemed unreasonable. In my mind a much greater saving ought to be made here. But I wish to make one observation with regard to the doctrine, that pensions and sinecure places are to be held as sacred as freeholds, let them have been obtained how they may, or let the amount of the income arising from them have increased to ever so enormous an extent, by change of circumstances in the state. This doctrine, Sir, ought not to be tolerated. It cannot be substantiated; and that it is perfectly novel I am prepared to shew. In the year 1744, it appears that the tellership of the exchequer (amongst other offices) was revised, and the salary reduced, in consideration of the great increase in the amount of the army services and the fees thereupon. The reduction made was one-third part of the amount of the salary! but now we are told, Sir, now when the army expenditure exceeds all bounds, when it amounts to above 17,000,000*l.* a year, that these places are all freeholds! Why freeholds, in the year 1809, when they were not so in 1744? Is it the greater purity of the present times, when compared with the year 1744, that has given colour to such doctrine as this? doctrine, Sir, that never would be held in such a House of Commons as I have described.

"Under the head of bounties I find an expenditure amounting to 527,070*l.* a year. Now, upon this subject I shall not give any opinion of my own; but knowing that these bounties are deemed quite inconsistent with the established principles of political economy, both by Adam Smith and other authors who have written most ably upon these subjects, I do certainly think it well worthy the consideration of Parliament how far the public money should be so expended; and fully aware of several items in this account that appear to me most extraordinary, such as bounties to the fishermen of London and Westminster, who, I am persuaded, have sufficient bounties from the high price of fish; and bounties upon linen in Ireland, with other detail not necessary

for me how to enter upon, I have little doubt, that I should be able to shew, independent of the general question whether or not any bounties ought to be given, that a saving of 150,000*l.* a year might be properly made.

"And next, Sir, I have to say a word or two as to some expenditure that I should hold to be, at this period, highly improper. I see, by the accounts on the table, that nearly 200,000*l.* has already been expended in the building a new mint, which I understand is still likely to cost a considerable sum more. Now, Sir, the impropriety of building any mint at all cannot be more strongly marked, than from the circumstance of its being within our power to issue coin by contract, not only without expense, but at a profit to the country. This was the case in the late contract with Messrs. Boltons, on the issue of 1200 tons of copper coin? And when the fact has thus been proved, I would ask, why is the system to be given up? Why, Sir, the reason is obvious. In order to create extensive patronage, it is necessary that we should have a new mint; and if we save the money of the people by the system of contract, we shall have no excuse whatever for our new mint. But when it is completed, these great objects will certainly be attained—extensive patronage—a great establishment—and no coin. But ministers, perhaps, are prepared to take off the bank restrictions, and once more to allow us the sight of gold! But upon a general principle, I maintain that government should not have any establishment for carrying on mechanical trade. We are going to other and great expenses in unnecessary buildings, such as the house of Downing-street for the president of the board of control, which has cost about 9000*l.*; and amongst various other improper waste of the public treasure, I observe 3500*l.* expended in repairs of an office in the Adelphi. I have thought it my duty to shew that such things were; but do not mean to take credit in my proposed savings for any of the sums so expended.

"To our colonies I next shall advert. I find, Sir, that in the army extraordinaries alone, that above 1,500,000*l.* is charged to this account. Under proper management, I believe that our colonies, instead of being a burthen, would prove no inconsiderable treasure to the mother country; but as this subject is to be brought before the

House, I find, early in the next session, I shall make only a few observations at this time. That our North American possessions would almost do more than counterbalance our issue of 1,500,000*l.* there can be no doubt, provided the wonderful resources of that country were properly brought into action. The advantage, particularly in these times, of abundant supplies of hemp, timber, &c. from thence, cannot easily be calculated; and nothing can prevent our having abundant supplies but our own bad management. There is one point I cannot refrain from touching upon, that is our fisheries. When the trifling returns, even of that at Newfoundland, is before us, it would scarcely be credited to what an extent another fishery, in those seas, was carried many years ago, by the French. I mean that of Cape Breton; the extent of which is not much more than one-sixth of that of Newfoundland. In the year 1745, when Cape Breton was taken by Sir W. Pepperill, it appears that France employed 28,000 men in the fishery, and gained a million of money a year by it. It is clear, then, what our loss must be from bad and negligent management; but patronage seems the great object we have in view; as an example of which, let us look at the expense of the civil establishment in Sierra Leone, amounting to no less than 16,000*l.* a year; and as to the expense of the military establishment, that certainly keeps pace with it: for in one item, that of building and repairing forts, you have no less a sum than 23,000*l.* If we go into the accounts of Gibraltar, Ceylon, Canada, the Prince of Wales's Island, New South Wales, &c. &c. we shall find nothing wanting in patronage or profligate expenditure. I therefore claim at least 500,000*l.* a year, as the saving that ought to be made immediately.

"I have yet to make an observation or two respecting the military establishment in Ireland; and I beg once more to observe, that England subscribes to all this expenditure in the ratio of fifteen-seventeenths, according to the act of union between the two countries.

"In the last four years of the American war, the average expenditure, to the 25th March, 1783, was 449,266*l.*: the average of the four years, to March 25th, 1799, 2,659,664*l.*: expenditure of the year ending 5th January 1809, is 4,226,421*l.* It appears, then, since the year

1799, the army expenditure has been nearly doubled. And why, I would ask, has this been the case? Merely because we prefer keeping in check, by coercion, a gallant people, who pant for nothing more than the enjoyment of those rights and liberties that are secured to us, and which, when granted, would so endear them to the united kingdom, as to render it at once strong and invincible. I would further ask; whether such a House of Commons as that I have described, putting right and justice out of the question, would think it good policy to expend at least two millions in attempting to effect that, which conciliation alone can establish on a safe and permanent ground. I cannot quit the subject of Ireland without observing, that the total Irish expenditure in the year ending 25th March, 1793, was 1,735,267*l.*: in the year ending 5th January 1809, it was 9,563,727*l.*

The debt of Ireland, 25th March, 1793	£.2,422,890
The debt of Ireland, 5th Jan. 1802	76,110,856
The loan for this year - - -	4,000,000
The present debt of Ireland -	£.80,110,856

And having stated this, Sir, I will ask whether something ought not to be done to ward off ruin from that country.

"I believe, Sir, I have already shewn sufficient ground to justify the opinion I gave, that if the people were represented in the manner I have described, that the amount of the income tax might be saved. But, Sir, there yet remains for me to call the attention of the House to one other establishment, I mean that of the navy. And here, Sir, under the high authorities I speak, it would be arrogance in me to offer any opinion of my own. A gallant admiral (Markham) in his place in this House, on the 1st March, 1805, said, 'He could state, and the reports on the table would bear out his statement, that one third of the naval expenses of the country would be saved by an honest and upright discharge of the duties of the offices employed in their administration'. The victualling office, and the sick and wounded office, he had no hesitation in stating to be the most corrupt of all.'

"So much for the naval expenditure in 1805. I now, Sir, must call the attention of the House to another statement made in this House upon the subject, no longer ago

than last February, when the honourable gentleman opposite to me, the Secretary of the Admiralty (Mr. Wellesley Pole), in speaking of the victualling department, where the expenditure amounts to 5,313,901*l.* declared 'the system carried on to be most vicious and faulty; and that, in order to abolish it, those at the head must be removed.' In addition to these statements, which it is not with me, or indeed with any one, to doubt, I have only to say, that if confirmation had been wanting, the result of the inquiries I have made affords that confirmation. I find, Sir, and can shew, that in the purchase of timber there is a great loss to the country. I find, too that the inspector of canvas is concerned in the supplying the canvas, and that consequently what is delivered is of an infamously bad quality. I find too, Sir, that instead of the different contracts being open to competition at the expiration of the year and half, that they are kept shut for years; and thus, for the sake of patronage, the public suffer most heavily. The honourable gentleman opposite (Mr. Wellesley Pole) seems to deny the fact. I will ask him, then, whether Mr. Pinkerton's contract for the West Indies has not been shut for four or five years. Whether Mr. Grant has not had a like advantage in the Yarmouth contract; and I would ask him further, whether a person at Deptford has not been allowed to amass a considerable fortune by the article of grains alone, at the public brewery there; that contract has indeed at last been opened, and the price per quarter immediately advanced from 1*s.* 10*d.* to 2*s.* 10*d.* and I fancy it will bear no inconsiderable further advance, as I understand the fortune in question was made by retailing them out immediately at 4*s.* 6*d.* per quarter.

"In the transport department I shall have no difficulty in shewing great waste of the public money, and no where do we suffer more, I believe, from favouritism. With these facts before me, and under the high authorities that I have quoted, it is not, I am sure, with me to doubt that the saving stated may be made. I have only, Sir, to observe, that in the year 1804, to which the gallant admiral's remarks attached, the expenditure was 11,759,750*l.* and that at this period, when we have the specimens of the honourable Secretary of the Admiralty on the subject, the expenditure is 17,467,892*l.* an increase of 5,700,000*l.* I am sory, Sir, to have detained the House so long; but

what I owed to my country and my own character rendered it necessary. I feel much obliged by the patience with which I have been heard, upon which I shall only trespass a few minutes longer.

"I think, Sir, that the national accounts ought to be reduced into such form and order as would enable every member of the House to see whether or not the money of his constituents was properly and economically expended; and this, Sir, is an object I have much at heart, for I do feel most fully persuaded, that an enormous sum is annually lost to the country, in consequence of the utter confusion in which the accounts have remained for many years, a confusion that never prevailed more than at this moment. Admit, Sir, that only 20,000,000*l.* annually remains unaccounted for, and I am sure I am much within compass, when I say that at a very moderate computation we must lose, in consequence of this confusion and non-settlement of the accounts, at least one-twentieth part; does any gentleman who hears me doubt that the public lose at least a million a year for the want of such a settlement; if any does doubt the fact, let me refer him to his own private concerns, and let me ask whether he believes any individual who neglects year after year to look into the accounts of the expenditure of his property, and to strike a balance with his different agents, escapes with the loss of only a twentieth part? I am sure he would be infinitely a greater loser under such a system, and I am also sure that we do not escape with a loss of a million under that system so decidedly ruinous either to the individual or public body. Upon this subject I shall beg to read the statement and remarks of the late Chancellor of the Exchequer (Lord Henry Petty). In the year 1806, the noble lord stated to the House, that the enormous sum of four hundred and fifty-five millions of public money was unaccounted for. He then goes on to observe, "that it was unnecessary for him to urge how much the public necessities called for the most serious attention and investigation; that he need not state what were the evils, which led to these inquiries, or what were the dangers of leaving accounts open for twenty years, when the death of the parties may prevent the recovery of the public money, or grossest frauds destroy the revenue of the country, great as it is, and divert it to purposes of individual profit."

RECAPITULATION OF SAVING ON

Household troops, two regiments	£.73,317	0	0
Dragoon guards, dragoons, and light ditto	340,000	0	0
Foreign corps	1,005,017	0	0
Subsidy annually paid Count Meuron for continuing his regiment in his majesty's service	3,000	0	0
Militia of the united kingdom	300,000	0	0
Staff of fifteen small militia corps reduced	10,000	0	0
Local militia	700,000	0	0
Volunteers of the united kingdom	1,000,000	0	0
Royal waggon train	48,993	0	0
Manx feucibles	24,184	0	0
Staff of the army	200,000	0	0
Recruiting staff, levies and bounties	200,000	0	0
Army agency	51,075	0	0
War office	24,000	0	0
Pay office	24,000	0	0
Contract horses	299,083	0	0
Fortifications and repairs at home	500,000	0	0
Medical department and annual loss of men	200,000	0	0
Commissariat	500,000	0	0
Barracks	350,000	0	0
Army clothing	270,000	0	0
On the collection of the revenue in Great Britain	1,051,930	0	0
On ditto ditto in Ireland	388,367	0	0
Commissioners and auditors of public accounts	70,000	0	0
Bank, the sum charged for the management of the national debt	210,594	0	0
Pensions and offices executed by deputy	200,000	0	0
Bounties	150,000	0	0
Colonies	500,000	0	0
Catholic emancipation	2,000,000	0	0
	10,693,563	0	0
Expenditure of the navy for the year ending Jan. 5, 1809, 17,467,892*l.* one-third of which is	5,822,630	13	4
Total savings	16,516,193	13	4

On the question being put,

Mr. Huskisson rose: Mr. Speaker—With whatever feelings of surprize and regret I may have witnessed the conduct of the hon. gentleman, on the occasion of his first broaching, in another place, the subject which he has now at last brought under the consideration of the House, those feelings have by no means been awakened, either by the explanation which the honourable gentleman has just given of the motives by which he has been actuated, or by the statement which he has submitted to the House in support of his proposition. If, in the first instance, I observed, with astonishment, a member of this House, one of the guardians of the public purse, and one too who professes to watch over the public expenditure with more than an ordinary degree of jealousy and anxiety, seeking an opportunity, not during the recess of Parliament, but in the middle of a session, not in this House, but at a public meeting, stating, that he could point out a plan by which eleven millions a year might be saved to the country, that astonishment was, if possible, increased, when I saw the honourable gentleman attending, day after day, in his place here, without giving the House any intimation of the means by which this most desirable object might be effected. The honourable gentleman could not be ignorant, that, on the one hand, such a declaration was calculated to make a strong impression out of doors; that from the character of the meeting at which it was made, it would be disseminated through the public with a mischievous activity; and on the other, that it was only in this House that the plan could be discussed with a view to any beneficial result, or that any practical measure could be taken for attaining its professed object: and yet, Sir, the honourable gentleman has just informed us, that it was not his intention to have brought forward any part of this notable scheme in the present session. In a tone, almost of anger and complaint, he tells you, that he has been goaded and challenged by the frequent calls made upon him here; that yielding to such importunity, and not to any sense of his public duty, he, on this last day of the session, condescends to point out the means of relieving the public from the pressure of the property tax. What, Sir, is the light in which the honourable gentleman places his own conduct by his statement of this evening? Some two months ago he had ascertained, to the entire satisfaction, I presume, of his own mind, that

a tax producing upwards of eleven millions a year could be taken off without any detriment to the public service; he had, at that time, so completely matured the measures of reform by which this saving could be effected, as publicly to record his opinion: and to-night he tells you that it never was his intention, in this session, to follow up that opinion by any proposition in this House! In the view of the honourable gentleman, then, the saving of eleven millions is a matter of such little moment, that the means of enacting it being delivered by him in the middle of one session, it consists, with his sense of public duty, to postpone the application of those means till the next. But it also consists with this same sense of duty, in the mind of the honourable gentleman, to send forth the assertion to the public, under such circumstances, and coupled with such sentiments, as appeared to the meeting, where it was first uttered, best calculated to create an impression, that the blame of the continuance of this tax is solely to be ascribed to the corruption of this House. The blame, if blame there be, of not having investigated the honourable gentleman's plan of economy in this session must fall entirely upon himself. The mischief, likewise, if mischief ensue, from his indiscreet assertions, must be laid entirely at his door. The delusion and the disappointment are equally of his own creating. That the honourable gentleman's plan will end in the disappointment of those who gave credit to his assertions, must, I think, be obvious to every member of this House, who has listened to the details brought forward by the honourable gentleman. I shall not attempt to follow him through all these details. If, indeed, they had been supported by any thing like reasoning or proof, I might have found it necessary to trespass upon the indulgence of the House, with such statements as the arguments of the honourable gentleman might have appeared to me to require? but when the honourable gentleman brings forward nothing but a string of bare assertions, it would be a waste of time to meet them in detail by other assertions of an opposite nature. Indeed, Sir, from the manner in which the hon. gentleman treats this subject, I am at a loss to understand why he should confine his savings to eleven millions. With the same facility, and by the same process, he might produce a saving of twenty; and certainly there are other reformers, out of doors, with a degree of

self-confidence, equal to that of the honourable gentleman, who do not scruple to tell the public that twenty millions might be saved without any detriment to the public service. Their assertions, I make no doubt, are made with the same sincerity, proclaimed with the same patriotic views, and calculated to produce the same beneficial purposes as those of the honourable gentleman. He, however, is only bound by the minor pledge; but having been the first to start, his anxiety to redeem that pledge, may, perhaps, have been quickened, this evening, by the bolder strides of those who have since followed him in this mighty career.

The first idea of this saving appears to have suggested itself to the honourable gentleman's mind in consequence of a discovery he made in the annual accounts, that the total expenditure of Great Britain, in the year ending the 5th of January, 1808, was seventy-one millions, and that in the year ending the 5th of January, 1809, it was seventy-nine millions. The honourable gentleman finds an increase of charge to the amount of eight millions, and the necessary and natural inference is, that a saving of eleven may be made. Having come to this irresistible conclusion, the honourable gentleman hastens to publish his discovery at the Crown and Anchor, and has since laboured to make up an account, shewing the means by which this saving may be effected. Before I proceed to say a few words on those means, I will endeavour to state very shortly to the House the principal causes of the increased expense in the year 1809, compared with the preceding year. This part of the case might have embarrassed the honourable gentleman's calculation and he therefore very discreetly appears to have concluded it altogether from his account. In the first place there is the augmentation to the charge of the public debt, occasioned by the loan of the year, amounting to about 800,000*l.* In the navy an increased expense of 1,500,000*l.* owing principally to the increased price of naval stores. In the army, an increase to the same amount, owing to the augmentation of our regular force, and to our having had a great proportion of that force employed in active operations in Spain and Portugal. There is also 1,500,000*l.* in arrear of debt due by the public to the East India company, for services performed by them in former years; and about 3,000,000*l.* of pecuniary aid to our allies, of which

1,200,000*l.* was sent to the King of Sweden, under the sanction of Parliament, and the remainder to aid the patriotic efforts of the Spaniards, with the concurrence and approbation of every man in the kingdom. I must leave to the House and to the public to judge, whether any of these branches of expenditure could have been abridged, consistent with justice or sound policy; and will now proceed to the plan of the honourable gentleman.

His first proposal was to disband the two regiments of life guards. They are represented by the honourable gentleman to be totally unnecessary; but I think when the House considers not only that these corps are connected with the splendour of the throne, and are called upon to attend upon the sovereign whenever he visits any public place in the metropolis, but that their services are required on all occasions of public ceremony, and are essential for the preservation of public tranquillity and good order, they will not be disposed to allow the honourable gentleman to take credit for this proposed saving. Indeed it must be obvious that if these two corps were reduced, other corps of cavalry, at least to the same extent, would be requisite for the service and police of London, and the utmost saving, therefore, that could be effected by the sacrifice of the other considerations to which I have referred, would be, the paltry difference between the pay of the life guards and that of cavalry of the line. The next saving is of a more extensive and sweeping nature. The honourable gentleman proposes to reduce the cavalry at once to fifteen thousand men. Unquestionably, Sir, if fifteen thousand men be a sufficient body of cavalry for this country to maintain, all above that number should be reduced: but the honourable gentleman assumes the fact; and, if we are prepared, upon the mere *ipse dixit* of that honourable gentleman, to disband nearly one-half of our cavalry, the saving must follow as a matter of course. This is no wonderful discovery. But is the House prepared to act upon the bare assertion of the honourable gentleman, and to allow his authority upon this great military question, unsupported by any statement or argument whatever, unaccompanied with any comparative view of the proportion which the cavalry of an army like ours ought to bear to its infantry, to outweigh the opinions of all the great military characters who have been constituted upon this subject, and the judgment of the House itself? Indeed,

Sir, the time which the honourable gentleman has chosen for proposing this reduction is somewhat singular. It is precisely at a moment when a considerable proportion of our cavalry is distinguishing itself upon foreign service, when we are called upon, from all quarters, to send a much larger corps to co-operate with our allies, and when our decisive superiority in this description of force has recently been so strongly marked and acknowledged by our own generals, and felt by our enemies. This is the period of the war which the honourable gentleman selects in order to bring forward a proposal to get rid of nearly one-half of the cavalry.

To the foreign corps, his next head of retrenchment, he shews still less of his indulgence. They must be swept away altogether. He has talked of them as a description of men not to be tolerated, whose existence as a military corps is a disgrace to the country, and whose conduct on service has shewn them to be destitute both of fidelity and courage. In this general description I can by no means concur—such charges appear to me as contrary to recorded facts as they are cruel and illiberal towards that meritorious class of men, who, from feelings of loyalty and fidelity above all praise, have been the victims, for these last sixteen years, of that dreadful Revolution which began by their ruin, and has now nearly effected the ruin of the civilized world. That some trifling instances of misconduct may have occurred in the emigrant corps, as they do in all other corps—that some of them were recruited by methods which I never did approve of, are facts which I am not prepared to deny; but these instances have been artfully and grossly exaggerated, whilst their deeds of gallantry and heroism are kept out of sight. I will not detain the House by recalling them at present; but if the honourable gentleman is at a loss for one instance, let him look at the seige of Ypres by the French in the last war, when an emigrant regiment sallied forth, with a spirit never excelled, to cut its way through the besieging army, an attempt which excited the admiration and surprize of the British and Austrian commanders, when the few, who had survived the desperate enterprize, joined the allied forces. But, Sir, what is the description of foreign corps which we now possess, and which the honourable gentleman is so anxious to dismiss ignominiously from our service? They consist of men, born subjects of and owing

allegiance to the same sovereign with ourselves—of men who, when driven from Hanover by the unprovoked aggression of the enemy, sought an asylum in this country. What course on that occasion would the honourable gentleman have taken? Would he have repelled them from our shores?—Would he have advised his and their sovereign to have shut his ports, and refused his protection to men who had such strong claims to that protection? Would he have driven them, in despair, into the ranks of the enemy, or would he now send them back to Hanover, in order that a conscription may force them into those ranks? Had such been our policy, the chance of war might perhaps have brought them into this country as prisoners; and instead of paying them to fight our battles, we might now have had to maintain them, at nearly the same expense, mixed in our prisons with the inveterate enemies of this country. Is this the only footing upon which the honourable gentleman would have been willing to have given them an asylum?—To the loose general charge the honourable gentleman has thrown out against them of misconduct in the field, I can only oppose the authority of the British generals, under whom they served in Zealand and on the Peninsula, and, I trust, their favourable testimony will have as much weight with the House as the unsupported assertion of the honourable gentleman. After all, the House must recollect, that if we disband and send home these 20,000 foreigners, this diminution in our army must be made up by an equal number of Englishmen, to be raised at a much greater, and maintained at an equal expense; so that this discovery of the honourable gentleman would effect no saving, unless he could also persuade the House and the country, that our regular force, which it has been the uniform endeavours of the House to augment, could undergo a reduction of 20,000 men without any inconvenience.

On the subject of the local militia I shall not detain the House by any detail. The honourable gentleman has called it the most profligate of all establishments; I shall only say that it is an establishment called for by the voice of the country, and by the sense of this House; that it is the description of force which, from its nature and composition, seems of all others, the least calculated to increase patronage, and to afford scope for profligate establishments; that the honourable gentleman, with his view of the sub-

ject, should have opposed the measure itself, when it was under the consideration of Parliament; a course which I do not recollect him to have taken. But when Parliament has directed this force to be provided, the executive government would be grossly remiss if it neglected to carry the law into execution; and I am sure that it would be impossible to raise, embody, and officer, so large a force, without incurring the full amount of expense granted by Parliament for this purpose. So long, therefore, as this force is maintained upon its present footing, the honourable gentleman cannot expect any saving to be effected.

I shall not follow the honourable gentleman through the details of all the other savings which he has proposed, because the House must have perceived that they all rest upon the same foundation—the mere assertions of the honourable gentleman, that such and such establishments are useless, that such and such reductions may be effected. To such assertions so supported, or rather so totally unsupported, it is unnecessary for me to oppose any thing more than counter assertions; though I cannot help observing that all the services to which he has objected are annually brought under the consideration of Parliament; that provision is annually made for their support by the votes of this House; and that it is too much for the honourable gentleman to expect that a mere declaration from him that such services are useless should be all the proof that Parliament would require on the subject. In no instance does the honourable gentleman condescend to explain either the principles of his retrenchment, or to give us any calculation by which he has ascertained the precise sum to be saved. Thus, in adverting to fortifications, he tells us that they are altogether unnecessary—that their present expense is 700,000*l.* per annum, but that 200,000*l.* would be sufficient. Can any thing be more loose in reasoning—more unsatisfactory in its result? Why not take credit for the whole 700,000*l.*? As all fortification is useless, on what *data* is it that the honourable gentleman finds that 200,000*l.* per annum is the precise sum which ought to be appropriated to this unnecessary purpose? Is not this trifling with the time and good sense of the House? How far a system of fortification ought to form a part of the defence of this kingdom, is one of the questions upon which military men and this House have been most divided in opinion; but the honourable gentle-

man feels no difficulty in deciding upon it. In his view, all fortifications are useless; but as 500,000*l.* will answer his purpose, he is generally pleased to allow us 200,000*l.* for the amusement of those who are of a different opinion. In the article of army clothing the honourable gentleman calculates upon a saving of 270,000*l.* per annum. This is a downright fallacy. The great coats for the army, and all the clothing provided by government, whether for our own forces, or for those of our allies, are procured by public competition, and as this is the very mode by which the honourable gentleman proposes to effect his saving, it is obvious that no further abatement can be looked for upon these supplies. As to the clothing which every colonel furnishes to his own regiment, government has no concern in it. The off-reckonings, out of which the regiment is clothed, are, as it is well known, an allowance of a very old standing, made to the colonel for this purpose, and which, notwithstanding the rise of every article, has not been augmented. The interference of government goes no farther than to take care that the regiment is clothed according to the regulations of the army.—The mode and terms of purchase are left altogether to the colonel, and the difference between the price paid by him, and the off-reckonings allowed by government, constitutes the chief profit of the regiment. If, under these circumstances, the general officers of the army, who are colonels of regiments, pay for their own clothing, as the honourable gentleman states, more than is allowed by government to its contractors, it proves a liberal attention on their part to the comfort of their men, and on the part of government that every possible economy is practised; for in this head of expenditure the honourable gentleman's grievance is, that government is served cheaper than the individual. In the whole statement, the honourable gentleman appears to proceed on the principle that the large establishments we are obliged to maintain, for the purpose of security and defence, as this House and the country have hitherto foolishly conceived, have no such object; but that the real object of them is in order to create a large expense. This is the discovery which it was reserved for the honourable gentleman to make. The honourable gentleman argues as if the order of proceeding in this House was his—First, to resolve to make our expenditure as large as possible, and then to frame our establishments accordingly. Hitherto, Sir, we have been taught to believe that

our establishments were regulated according to the exigencies of the country, and that the grants of this House were governed by such establishments. But this view of the subject would not suit the honourable gentleman's purpose; and, in the whole of his argument, he has assumed that our present establishments were not necessary for any other purpose than that of adding to our expense. He has argued as if we were all agreed on this point, and as if the only difference of opinion would be whether they should or should not be kept up, for the sake of keeping up that expense. It is unnecessary, therefore, till we have settled this principle, to follow him into any further detail:—there is, however, one remaining point, on which I feel it necessary to correct, a misrepresentation of the honourable gentleman. He stated the establishment of the commissariat department in Ireland to amount to no less a sum than 95,000*l.* whilst the whole expenditure was only 285,000*l.* The honourable gentleman, with an air of triumph asked of the House to consider what must be the character of such a department, in which 95,000*l.* was necessary in an establishment, in order to manage an expenditure of 285,0 0*l.* Now, Sir, the honourable gentleman must know, that the whole expence of this department, so far as relates to what is generally described under the head of establishment, such as salaries, allowances, office rent, coals, and candles, &c. does not exceed 20,000*l.*; and that in the estimate from which he has taken his statement is included a corps of waggoners, amounting to 1050 horses, with their drivers, &c. necessary in Ireland for the delivery of the supplies to the troops both in quarters and in camp, the contractors there not undertaking for the deliveries, as is the case in this country. In this respect, therefore, the statement of the honourable gentleman was calculated to convey an unfounded impression, and a false charge, which I have thought it necessary to set right.

Although I have now trespassed on the attention of the House much longer than I intended, by the observations I have thought it right to make on the honourable gentleman's statement with respect to the public expenditure, I must request their indulgence for a few remarks, which I find it necessary to make on the animadversions which he has made on the collection of the revenue. He goes first into the post-office, and having ascertained that in Mr. Palmer's time this service was performed at an ex-

pense of 200,000*l.* per ann. and that it now costs 400,000*l.* he immediately infers that abuses exist to the amount of 200,000*l.* and that this sum might be saved to the public. Now, Sir, I will take upon myself to assert, that if this subject is inquired into, in the most minute detail, the House will be satisfied that no increase of expense has been incurred in this department which was not absolutely necessary for the public service, or conducive to the improvement and increase of this branch of the revenue. The House must be aware, that in this department, as well as in others, it has been found absolutely necessary to augment the salaries of the clerks and subordinate officers, who, I am sure, are not now overpaid. Where the numbers employed are necessarily very large, as in the post-office, including all the postmasters, letter-carriers, &c. in the kingdom, an augmentation, however small to each person, amounts to a very considerable sum upon the whole. Whatever other augmentation of expense has been incurred, arises either from the increased accommodation which has been afforded to the trade, and to every part of the community, by opening new lines of communication, establishing new post-offices, by a daily delivery of letters to places where they were formerly conveyed only every other day, or twice a week, and very much by the increased establishment and expense of packets for maintaining an intercourse with distant countries, and for the encouragement of our foreign commerce. But, in making these improvements, I can assure the House, that the post-office, though at all times justly anxious to contribute to the comfort and convenience of the community, and particularly of the commercial class, does not lose sight of the interests of the revenue; and that there is scarcely one of them which does not amply compensate for the increased expense; so that the addition which has been made to the public charge in this respect, if examined merely as a revenue consideration, is money well laid out, and productive of a very large sum to the public income.

In the customs, the honourable gentleman has stated one instance of what he conceives to be a most flagrant abuse, and he called upon the House to take it as a specimen of what he conceives to be the whole system of the department. This instance is the appointment of three new surveyors general, making ten in the whole, at a time

when the original number of seven ought, in the judgment of the honourable gentleman, to have been diminished, in consequence of the new docks; why, Sir, it is on account of these new docks that this addition became necessary, one for each of the three great establishments, West India, London, and East India docks. I will not trouble the House with details on this subject, but shall content myself with stating, in the presence of members of this House, whose mercantile knowledge I am sure will enable them to confirm that statement, that so far from there being any superfluous officers in the customs, the treasury is constantly applied to by the trade of this and all the principal ports for an increase of the establishment. We have constantly representations before us, that business is retarded from the want of a sufficient number of custom-house officers. The board of customs is constantly assailed with complaints of a like nature; and it is always slowly, reluctantly, and not till they are most fully impressed with the necessity of the case, that they recommend any addition; and the treasury never makes any such additions without their recommendation. So much, Sir, for superfluous establishments in this branch of the revenue, in which I need not remind the House, and all sinecure offices, and places executed by the deputy, were abolished by Mr. Pitt.

In the stamps, however, the honourable gentleman has discovered an expenditure of 130,000*l.* whilst, in his opinion, the management and collection of that revenue ought not to cost more than 90,000*l.* Nothing but the most complete ignorance on this subject can excuse such an exertion on the part of the honourable gentleman. The revenue of stamps amounts at present to near 5,000,000*l.* The use of them is become necessary in almost all the transactions of life; and consequently distributors are required in every part of the kingdom. In the course of last year, the treasury directed the poundage allowed to those distributors to be reduced one-fourth; but we have since been obliged to suspend the order, upon finding that persons could not be procured to take upon themselves the trouble and responsibility of the distribution at that reduced rate; and that much more would have been lost to the public by a diminished sale than would have been gained by the reduction. The House, besides, must be aware, that when titles to property are invalidated, if the proper

stamps are not used, when every species of security is made to depend upon them, and when to all this, heavy penalties are superadded, to compel the use of stamps, and for the protection of the revenue, it becomes the duty of the government to place them within the reach of the consumer; and that therefore, independently of revenue considerations, we are called upon not to abridge the means of distribution. With respect to the establishment in London, so far from its being excessive or overpaid, there is no department in which the salaries in general are so low, as gentlemen will see, when I state to them, that not a month ago, upon a clerk's situation becoming vacant, the commissioners applied to the treasury to appoint a successor, stating the salary was 50*l.* per annum, and that the office required constant attendance, and every qualification that can be required from an efficient clerk, and was moreover a situation of great trust. How were the treasury to find out a fit person for such a remuneration? who would accept the appointment? All the other salaries are nearly in the same proportion, and I have no scruple to say, that not only justice to individuals, but to the public interest, requires that they should be raised, if the public expect efficiency and fidelity in the persons employed. The honourable gentleman must therefore be prepared for an augmentation of charge in this department.

With respect to the collection of the land and assessed taxes, the honourable gentleman is not more fortunate in his observations. The poundage allowed to the receivers has been reduced one-fourth by the present treasury; and, with respect to the balances in their hands, they are limited to 6,500*l.* for each receiver; a sum considered to be necessary to enable them to meet the demands to which they are liable for the public service, under the authority of acts of Parliament: so that their profits will not be found to be more than adequate to the trouble, and especially to the responsibility of their situations as public accountants; to the risk to which they are exposed, and the immense securities they are required to give to the public. With respect to the balances in the hands of the parochial collectors, stated by the honourable gentleman to amount to 580,000*l.* is he not aware that these collectors are not servants of the public, nor under any controul of the treasury, but appointed by the dis-

trict commissioners? These balances are probably arrears due by the respective parishes on their several assessments. In some instances, a delay of payment is unavoidable, unless the commissioners, in whom is vested the power of enforcing it, should resort to measures of extreme severity; but as government cannot interfere with the collectors, in no case can these arrears be ascribed to the negligence of office; and, with respect to the commissioners, they are certainly entitled rather to our thanks for their gratuitous services and zeal, in aid of the efficient collection of the taxes, than to censure for occasional indulgence to parties who, from a temporary pressure, may be somewhat in arrear.

The honourable gentleman has correctly stated, from the annual printed account, that the total charge for the collection and management of the revenue is 2,800,000*l.*; but according to what calculation he assumes that 1,000,000*l.* might be saved in this charge I am at a loss to conjecture. It is true that the honourable gentleman states that the revenue might be collected at the rate of three per cent. instead of 4*l.* 12*s.* 9*d.* the present rate. Here again we have nothing but the bare assertion of the honourable gentleman. Just as well might we have said two per cent. or even any lower rate; in point of reason, one assertion is as good as the other—and for any purpose of impression out of doors (for I cannot believe such a mode of argument will have any weight here), that assertion which promises the largest saving would probably best serve the honourable gentleman's views of reform. The honourable gentleman has discovered, however, that in Scotland the rate of management and collection is higher than in England; and he at once concludes that the difference grows out of some abuse. In this he betrays his total ignorance of the subject. How can he suppose, that in one part of the country, poor and thinly peopled, a small revenue can be collected at the same rate as a much larger sum is in another part of the country, of a totally different description? Does the honourable gentleman suppose that the revenue of a Welsh county or a Highland district, for instance, is collected at the same rate as that of Middlesex?

I cannot quit this part of the subject without observing that the honourable gentleman appears altogether to forget, that this sum of 2,800,000*l.*, stated to be the charge

for the management of the revenue, includes many services and expenses which do not belong properly to the mere collection of the taxes. For instance, the whole establishment and expense of the post-office, which in one view ought to be considered rather as an undertaking of the first importance to the comforts and interest of every class of society, paid for by every man in proportion to the use and advantages he derives from it, and leaving a profit to the state by which it is carried on, than as a mere tax; with which, as such, we have nothing to do but to impose and levy it at the cheapest rate we can. In the customs, too, a great part of the establishment is framed, and of the expense incurred, not so much for the collection of revenue as for the enforcement of our navigation laws, and of the system of our colonial trade. This is particularly the case in all our foreign settlements, and in some degree at home. All the outgoings in this department, therefore, are not to be charged to the expense of collecting duties under its management.

In the course of his statement the honourable gentleman has found himself called upon twice to compliment the system of economy of the late ministers. A comparison of the expenditure of the army, during the year they were in office with that of the last year, afforded him the first opportunity. In making this comparison, however, the honourable gentleman forgot to state, that with the increase of expense, the total number of the army had also proportionably increased, and that the amount of force employed on foreign service was much greater; so that whatever might be the merit of economy in a preceding administration, the present one is not to be blamed as wanting in this respect, unless it can be shewn that it was unwise to augment our regular army, and impolitic to employ a considerable part of it in active operations against the enemy. The other instances, however, the honourable gentleman thinks conclusive. 'During the reign of these economical ministers, he says the charge of management and collection was only *4l.* 8*s.* per cent. and it is now *4l.* 12*s.* 9*d.* an increase in the charge of collection to the amount of 200,000*l.* brought on by the profusion of the present government. If the honourable gentleman had been better informed on this subject, he would have been obliged to admit that this increase of charge was owing to very different causes. When the present board

of treasury came into office they found among other legacies left to them by their predecessors, a very detailed report from the board of excise of the whole of their establishment. By this document it appeared that the salaries of the excise officers had not been raised for a great number of years, and that they were then totally inadequate to their support. The commissioners of excise represented, in the most forcible terms, the absolute necessity of increasing these salaries, as the only means of securing the revenue, by placing the officers above corruption; and that, if the augmentation was any longer delayed, a general system of laxity, and a dependance on the parties whom they were appointed to survey, for loans of money, or assistance of some description, would be the inevitable result. With this representation, in which the commissioners who made it had no personal interest, as their salaries were not raised—with the example of Ireland, of which we have heard so much lately, before our eyes, with a revenue of 20 millions, and a system of collection, hitherto remarkable for its regularity and purity, at stake, and with such a forcible appeal from the officers themselves to the justice of the treasury, could we hesitate in acceding to the proposed augmentation of their salaries? It was granted, and though, upon an average, it did not exceed 15*l.* to each officer, the aggregate increase of charge was considerably more than 100,000*l.* a year.

Another great, but unavoidable augmentation in the charge of collection, arises from the abolition of fees in the customs. To the officers who have hitherto received their remuneration in this shape, fixed salaries are now allotted, payable out of the revenue. The apparent increase of charge arising from this alteration is very considerable, which, in point of fact, the officers receive less now than they did before; and though this is not an opportunity for going at large into the subject, I have no hesitation in stating to the House, that both the revenue and the public have received great benefit and accommodation from this salutary regulation.

These two circumstances of an increase of salary to the officers of excise, and of the abolition of fees in the customs, would alone account for an augmentation of charge exceeding 200,000*l.* per annum; and if the increase of charge upon the whole collection is not more considerable within these last two years, it is owing to

reforms and retrenchments which have been made in other branches, such as the reduction of poundage in the office of taxes, and the abolition of certain offices in the customs and other branches, the continuance of which was found to be unnecessary. Two other savings which the honourable gentleman has proposed, remain to be shortly noticed. The first is of a very singular description, nothing less than the abolition of the board of auditors, and all commissions for examining and stating the public accounts of the kingdom. The honourable gentleman proposes that this service should be performed by Committees of this House. Extravagant as this idea must appear, I cannot give the honourable gentleman credit for being the first to suggest it. I have seen it brought forward elsewhere, but as it appeared to me, not so much with a view to any practical result as with a design, in which I am sure the honourable gentleman does not partake, of calumniating this House. In the hands of others it has been used as a pretence for vilifying the members of this House, for accusing them of indifference to the public expenditure, and of neglect of duty as the trustees of the people, for not looking into their accounts. Such imputations, for aught I know, may answer the purposes of those who are aiming at reform, by working upon the passions of the people, and the prejudices of the ignorant; but I am convinced that there is not one gentleman in this House, or one rational man in the country, the honourable gentleman excepted, who can be of opinion that the public accounts can be effectually examined by Committees of this House. The necessary duties which are already imposed upon members of Parliament, both in the House and in its Committees, are of themselves sufficient to occupy their time. But I do not rest my objection upon this. The examination of long, complicated, and intricate accounts, involving questions respecting the rates of exchange, the value of foreign money, and a thousand other difficult points, is, in itself, a science requiring the uninterrupted attention of the auditors, and of able accountants, and experienced clerks under them. Could we expect these qualifications and this assiduity in Committees of this House?—Could Committees examine parties and witnesses upon oath, and carry on a most extensive correspondence with them in al quarters of the world?—This examination of accounts is,

of all others, the service which a fluctuating body of men would be least competent to carry on. Further—could members of this House be divested of all party-feeling, be rendered inaccessible to all canvas and solicitation?—for such, Sir, ought to be, and I believe is, the character and situation of an auditor.—In his functions there is much which partakes of the judicial character, and his official tenure is the same as that of the judge's. In short, I am perfectly certain, that if the examination of the public accounts was devolved to Committees of this House, they would either undergo no examination at all;—or, if they were looked into, it would only be such a formal examination as would afford a cover to fraud, or occasionally, perhaps, an opportunity of gross injustice to particular individuals, who might be brought before us as accountants. The honourable gentleman has described the board of auditors as not discharging their duty. In this he is mistaken. The establishment of this board was greatly enlarged by the late administration, and it is whimsical enough that the honourable gentleman should almost in the same breath praise them for this exertion, by which the expense was more than doubled (not improperly doubled), and propose to abolish the establishment altogether. The fact is, that within these two years, a great many of the accounts in arrear have been audited, and that there is reason to hope that the whole arrear may be done away in a few years, by a continuance of the present establishment, subject to such modifications as experience may suggest. The other saving the honourable gentleman proposes to effect is, by doing away the whole of the charge now stated in the printed accounts, under the head of bounties, amounting to upwards of 500,000*l.* per annum. From the manner in which they were noticed by the honourable gentleman, one would almost conceive that he is disposed to represent these bounties as largesses or gratuities arbitrarily given, instead of being, as they really are, drawbacks and encouragements to our manufactures, and some of our most essential branches of national industry. There is not a shilling paid in this way, except under the express authority of some act of Parliament, or which could be withdrawn, without involving in ruin some important establishment, or some great national object.

The amount of our public taxes, and the mode of col-

lecting them, having been brought under the consideration of the House by the speech of the honourable gentleman, I trust I shall be excused for taking this opportunity of stating my entire concurrence in the view taken of our situation in this respect, as stated by a right honourable gentleman (Mr. Windham) in the course of the present session. I agree with him, that great as is the amount of our present taxes, it is certainly not greater, in proportion to the means of the country to bear the burden, than in any former war; whilst in every other respect our situation is infinitely more satisfactory. I am aware that the sum levied annually upon the people of this country, is now three times as great as it was in the year 1793; and though this weight of taxation is severely felt by some classes, and especially by those who possess only unimprovable fixed incomes, a circumstance greatly to be regretted, I maintain that, upon the whole, the present generation of the people of England, considered as a nation, have more means of procuring to themselves the enjoyment of life than any of their predecessors; that, in point of fact, we witness daily, in every part of the country, a greater degree of luxury, and a greater share of comfort than at any former period; and that there is no corner of the kingdom in which, so far from there existing any symptoms of deterioration or decay, we have not seen, within these last twenty years, the most certain indications of improvement; an improvement, however retarded by continued war and increasing burthens, still progressive, and adding every year, more or less, to the stock of national wealth and public prosperity. The actual sum levied upon the people of this country, in proportion to the population, is, I admit, greater than any other country of Europe; but, notwithstanding this circumstance, I am fully convinced that there is no great nation on the continent in which the taxes are so lightly felt, and collected with so little of oppression and vexation as in this country. This observation is drawn from me, not by any thing that has been said by the honourable gentleman, but it is certainly not altogether foreign to the subject, and will not, I trust, be deemed misplaced by the House; as I perceive, that out of doors, persons professing to be the zealous co-operators of the honourable gentleman in schemes of Parliamentary reform, are using every endeavour to inculcate a belief that in France at

least the taxes are few and light, and collected in the most gentle and lenient manner. Are those who would delude and deceive the people of this country by such statements, aware that in France, in addition to that most dreadful of all taxes and all oppressions, the military conscription, and to a thousand other arbitrary and vexatious exactions, personal and pecuniary, the land-tax alone frequently exceeds one-half of the rent—that in France, taxes in arrear are levied by a process little short of military execution—by the quartering of soldiers upon the party until the arrear is discharged? This is no imaginary picture; it is no other than a faithful description of what takes place under that rule of military despotism, and what would too soon be imitated, perhaps in this country, if those who were now most clamorous against our existing institutions could persuade the people of England to adopt their plans of reform, and incur the risks and dangers of a revolution.

There is only one topic more on which I will trouble the House at present. The honourable gentleman has reminded us of the declaration of a gallant admiral (Markham), a member of this House, that one-third of the whole expense of the navy might be saved without prejudice to the service. That expense is now nineteen millions, and if the honourable gentleman, upon the strength of this assertion, has taken credit for a third of this sum, it will certainly be of main assistance to him towards effecting his proposed saving of eleven millions. The assertion, I am afraid, was made in this House. Whether it was drawn from the honourable admiral in a moment of irritation, and when he was off his guard, I cannot pretend to say; but I have no difficulty in declaring that it was a rash and inconsiderate assertion, and one which could not be realized. Since it was made, that gallant admiral has been in office; he has not only been a lord of the admiralty, but what is called the managing lord, a phrase perfectly well understood at that board. In this situation he must have been anxious, not only from every feeling of duty to his country, but from the most powerful personal motives, to make good his assertion, and to establish the truth and solidity of it, by his own practice and his own retrenchments. Further, he must have been goaded to it every day and almost every hour, by that economical administration which has this night received the

praise of the honourable gentleman, an administration under which the gallant admiral served, and the members of which had, in a manner, made themselves parties to this pledge, not less by their boasted professions of economy, than by the cheers of approbation they gave to the original assertion. Well, Sir, what was done? Were the estimates of the navy diminished? Was the sum required for wages, for wear and tear, for victualling, less than under the honourable admiral's predecessors? In fact, was the expense lessened at all, or in any material degree? It certainly was not, and the honourable admiral must have found his mistake. It would be preposterous to pretend, that in an expenditure of nineteen millions, there exist no abuses at all; but I maintain, that when they are discovered, they are corrected; that there is no wilful waste countenanced by the heads of departments; that there is as much vigilance and as much anxiety to keep down expense in the present admiralty as there could be during the management of the honourable admiral; and that many beneficial regulations have lately been made for this purpose; but that no such saving, as was rashly stated by him to be practicable, can be effected; and that the total expense cannot be materially, if at all, diminished, as long as the war compels us to keep up our navy to its present establishment. So far, therefore, from the honourable gentleman's statement having derived any real support from the assertion of the gallant admiral, I say that he, as I trust the House and the public will, ought to take a warning from it, to mistrust his own assertions; and that the mischievous use which has been made of the gallant admiral's statement and authority out of doors, to create discontent, ought to have been a lesson to the honourable gentleman to hesitate before he came forward here, or elsewhere, with similar assertions, calculated not to alleviate any real pressure, but to add to the irritation of the public, not to improve our resources, but to increase the difficulties and hazards inseparable from a protracted war, of which no man can foresee the issue, or determine the duration.

Mr. Ward denied the fact of the inspector of canvas being the person who supplied it. He had formerly been a dealer in canvas, or he would not probably have been a

sufficient judge of the article to have been appointed inspector, but he did not now deal in it.

Mr. Parnell.—Before, Sir, I make any reply the arguments of the honourable member (Mr. Huskisson), I feel myself called upon to assert, that a charge more unfounded could not be made by one member against another, than that which he has brought forward against the honourable member behind me, for making his statement on the last day of the session. I appeal to every member in the House, whether or not the honourable member was not compelled to do so; and whether it was possible for him after the threat that was held over him from the moment at which he first expressed his opinion of the saving that might be made in the public expenditure, to permit the session to close, without coming down to the House and stating the grounds of that opinion. The honourable member has said, that the honourable mover has made a statement of mere assertion, and that he could just as easily have proved a saving of a million as a saving of 500,000*l.* whenever he had said that he could save the latter sum. This, Sir, I positively deny; the statement of the honourable member was replete with sound argument, supported by indisputable facts, and corroborated by the best authorities; nothing was advanced in it which the honourable member did not most satisfactorily sustain, and it was very evident that, when the House heard this statement, a great degree of surprise was excited, in consequence of the extent of proof which the honourable member was able to advance in support of his general opinion. In what the honourable member opposite has said, respecting the expenditure of the last year being greater than the expenditure of the preceding year by seven millions, he has altogether misrepresented the honourable member and me. He made no such absurd position, as that of saving, that because the expenditure had increased seven millions, therefore a saving might be effected of eleven. He referred to this fact merely with a view of shewing that grounds existed for forming a presumption that a considerable saving might be effected, and that whatever he advanced in the detail might be borne out. But how does the honourable member account for this increased expenditure? He says that a million and a half of it was paid to the East India Company, and to make out the remainder, he says, that we are to consider the

great advance which has taken place in prices! Why, Sir, here it is that the argument of the honourable member behind me appears its full force. Why has so great an advance in price taken place? Is it in consequence of any improvident measure of this House? I, Sir, maintain that it is—and that if this House did form a true representative body of the people, giving full effect to the abilities of the country, no such measure could have taken place as the orders in council, which is the immediate cause of this great advance in prices, and most particularly so on all articles for the navy, the purchase of which forms so considerable an item in the public expenditure. When, Sir, I come to consider the observations of the honourable member upon the statement which has been made to the House, I cannot avoid remarking how very superficially he has dwelt upon that part of it which relates to the army. It is in this department where, according to common notoriety, the greatest abuses prevail; and in the general management of which, a greater want of sound principles is generally conceived to exist than in any other department; and though the honourable member behind me has made out items on which six millions, in his opinion, might be saved, the honourable member opposite has confined his observations to two of them only, the foreign corps and fortifications. Is the House to conclude from this that the honourable member is unable to meet arguments and authorities advanced upon this general head? I think, Sir, it has, in a great degree, a right to do so; it has at least a right to infer that the honourable member who has proposed this saving, has not done so on the light grounds of mere assertion, imputed to him by the honourable member.

As to the foreign corps, any thing that has been said on this head was founded upon the opinions of the most able military and constitutional authorities. The argument of the honourable member, that 700,000*l.* the whole estimate for fortifications, might as well be taken off as 500,000*l.* is founded in a misconception of what was said on the subject. Five hundred thousand pounds was proposed to be taken off, on the principle that no new fortifications should be built; a principle which the honourable member admits to be sanctioned by the highest authority, and it is intended to leave 200,000*l.* per annum to maintain those which have been constructed in repair.

Under the head of charges of management, the honourable member has attempted to shew an error in calculation on the part of the honourable member behind me. He has denied that a diminished rate of management of 1*l.* 12*s* 6*d*. per cent. would afford a saving of a million a year: and he seemed to rejoice extremely at the discovery which he had made. But the honourable member is himself grossly in error. He has calculated the saving upon the amount of the charges for management of 2,800,000*l.* and not upon the amount of the gross receipt of the revenue of 64,000,000*l.* on which he ought to have calculated it, and which calculation would have shewn him that the saving would exceed a million. As to what the honourable member has said of the impracticability of reducing the rate of the charges of collecting the revenue lower than it is now, I, Sir, can never accede to that doctrine; to pay near three millions a year for the business of collection, is to pay a most enormous sum, and a fact, that on the face of it proves an alteration of system to be absolutely necessary. The whole of the excise revenue is collected at little more than 2 per cent. Why, therefore, 3 per cent. should be too low a rate upon the whole revenue, it is not easy to understand—unless that the other departments, being of longer standing, were more encumbered with sinecure offices, pensions, and established habits of wasteful expenditure. In regard to the charge of collecting the revenue in Ireland, the honourable member had said nothing. It was proposed to reduce the rate from 11*l.* 12*s.* 6*d.* per cent. to 4*l.* 12*s.* 6*d.* the rate at which the English revenue is now collected, and this would effect a saving of 388,000*l.* No one, Sir, I believe, can deny that there exists good ground for effecting this saving. I am sure that I know of no reason, arising from local circumstances, why this rate of 4*l.* 12*s.* 6*d.* should not be fully sufficient; and if proper measures were adopted, I feel quite confident that it would prove to be so. The saving which had been proposed to be made by taking away the bounties on promoting and encouraging trade and manufactures, cannot be disputed by any one who forms his opinion on the subject, upon the established principles of political economy; and the honourable member not having objected to the amount which has been set down, in consequence of some of those bounties being rather of the nature of draw-

backs of duty, than direct bounties for the mere encouragement of trade, as I had in some part conceived them to be, there is good ground to infer that a saving to that amount may be effected. In speaking of the commissioners for auditing the public accounts, and inquiring into financial abuses, what the honourable member behind me said, has been wholly misunderstood. He said that he found these several boards cost the public 80,000*l*, per annum, and that the progress made by them in auditing the accounts, and detecting abuses, was very slow and inadequate to such an expenditure, and that it would be better to appoint select Committees of this House to do that business, having one board of auditors to transact the business of each current year. If I understood the honourable member correctly, he proposed this plan with a view of ascertaining, in the most expeditious manner, what part of the six or seven hundred millions, that are now unaccounted for, is *bona fide* due to the public, in order that it might be recovered, before a long lapse of time, or accidents, might intervene to deprive the public of all chance of recovering what was justly due to them. It appears as if this work of passing such an immense magnitude of accounts could never be performed under the strict rules which bind the auditors, and therefore it is better to place the business in the hands of those who will be equally well calculated to do justice to the public, and at the same time possess great advantages in transacting the business with expedition. It is strange to act upon a system, as one of economy, which at the outset, imposed on the public a new expense of 80,000*l*. per annum. It is, in fact, a system which will counteract any good that might be derived from it; and one that is likely to end in adding considerably to the burdens of the people, instead of producing the intended effect of diminishing them. The honourable member has misunderstood what has been said in respect to Newfoundland: it was not intended to take credit for a saving of a million on this head. The honourable member, who made the statement, has taken credit for 500,000*l*. as a sum that might be saved, if the British colonies were so managed, that each should defray nearly all the expense belonging to its own defence. He stated the great value of the fisheries of Cape Breton and Newfoundland, in order to shew, that if due attention was paid to them, the inhabitants of those do-

lonies might be enabled to defray all the expenses of them, and ceases to be burthensome to this country. Now, Sir, as to the opinion which the honourable member behind me entertains respecting the military expenditure of Ireland, in this I most fully concur with him, and am desirous to bear with him equal responsibility for the accuracy of it; for I defy any one to shew that this greatly increased expenditure, from 400,000*l.* in the American war to two millions in 1799, and to near five millions in 1809, can be accounted for by any other means than by the impolitic resistance which is made to the constitutional claims of the people of Ireland. It is notorious to every one, that the object of that expenditure is in a great degree to keep the people in subjection, and that so large an army would not be wanting, if no such object existed. I have therefore a right to say, that if a wiser policy was adopted in governing Ireland, a great portion of this expenditure might be saved, and an additional security obtained for the defence of the country, against invasion, in the hearts and affections of the whole people of Ireland. The people of this country are greatly mistaken, if they conceive that this part of the public expenditure is of no concern to them. They pay of it, by the articles of the union, no less than 15 parts out of 17; and they should be more on their guard, therefore, how they lend themselves to the designs of those who create alarms by talking of the terrors of popery. They should consider that they impose upon themselves a charge of no less than two millions a year by refusing to their Catholic fellow subjects their just and constitutional rights.

I must here, Sir, remark upon another point on which the honourable member opposite has greatly mistaken the statement of the honourable member behind me. He has argued as if he took credit for a great saving to be effected in the naval department, in order to make out a total saving of eleven millions. He has done no such thing. The savings which he has calculated upon are—in the army, 6,182,000*l.*—Management of the revenue, 1,110,000*l.*—Commissions of accounts and inquiry, 75,000*l* —Pensions, 300,000*l.*—Colonies, 500,000*l.*—Bounties, 150,000*l.* Allowance on management of debt, 210,000*l.*—The military expenditure of Ireland, 2,000,000*l.*—making 10,857,000*l.* The savings which might be effected in the navy departments will amply make good what this sum wants of eleven

millions; and it will also cover any errors that may have been made in taking the savings in the other department so high as 10,857,000*l.* I have felt it due, Sir, to the honourable member behind me, to make these observations in explanation and support of what he has said. The honourable member has undertaken a task of great responsibility, and one attended with great labour, with a view to promote a public object—his exertions, and the manner in which he has made out the grounds of his opinion entitle him to the thanks of this House and of the country; and as I, Sir, think that the investigation which he has set on foot into every branch of the public expenditure will be attended with the best possible effects, I have felt it my duty to give what support it has lain in my power to give him.

Mr. Rose said, that as to the bounties, he could take upon himself to say, that no considerable saving could be made in this point. In fact, the greater part of the bounties were merely drawbacks; and if the plan of the honourable gentleman were adopted in thus taking away these bounties, there would be at least 30,000 weavers in Spitalfields turned out of employment the first fortnight. Most of the bounties were merely drawbacks of duty on our manufactures upon exportation. There was no subject which he had considered with greater attention than this of bounties; he had gone over the subject again and again; and if it had appeared to him that any of them could have been taken off without doing an injury to the public, he certainly should have proposed it at times, in which the administration to which he belonged were at a loss to know what new taxes to fix upon. It could certainly be no object to the government to continue unnecessary bounties.

Mr. Lockhart said, that instead of there being too many officers employed in the custom-house, there was a pretty general complaint among the merchants that there were too few for the great weight of business that is now going on.

Mr. H. Thornton took notice of the steps which had been taken by the Committee of finance, to reform many abuses of which the honourable gentleman had complained. As to the pension list, he certainly wished it was smaller, but there were many parts of it which no man would wish to reduce. There were pensions to the amount of

355,000*l.* annually to the royal family, and about 70,000*l.* annually to the proprietors of Irish boroughs, as compensation under the act of Union. There were also pensions very properly given to many meritorious servants of the crown. It did not appear to him that out of the whole pension list there was more than 400,000*l.* per annum, on which the proposed reduction could have any operation.

Mr. Wardle said, that he had never intended to institute any comparison between the modes of collecting the revenue in this country and in France. As to what he had stated about the inspector of canvas, he would be ready at all events to shew, that he had strong grounds for the statement that he had made.

The question was then loudly called for, and was put on Mr. Wardle's 32 motions.

The first motion was "for an account of the expence of the royal staff, for the last three years, distinguishing the numbers employed at home and abroad."

The motion was carried without a division.

The second was the total expense of the local militia to the present time.

Mr. Huskisson said, he had no objection to grant such accounts as ministers should in their judgment conceive within the spirit and scope of the honourable gentleman's motions. If in the next session he thought any of these accounts not sufficiently particular, he might then move for a farther account at that time.

Mr. Wardle said that he should be perfectly satisfied.

All the motions were then passed, with some slight observations. Among the number were, accounts of the expenses of the royal waggon train, of the Manx fencibles, of fortifications, Martello towers, and military canals, printing and stationary for both Houses of Parliament.

Adjourned.

HOUSE OF LORDS.

TUESDAY, JUNE 20.

The royal assent was given by commission to the consolidated fund appropriation, the judges salary, the Strand bridge, the bankrupt laws, the navigation encouragement, the poor laws regulation, the friendly societies', the Manchester water-works, the Deptford and Greenwich water-

works, the sale of offices prevention, and the ship owners bills.

The local militia amendment bill was brought up from the House of Commons.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, JUNE 20.

In consequence of a message by the deputy black rod, the Speaker attended by several members, went up to the bar of the House of Lords, and after some time returned and reported, that the royal assent was declared by commission to the consolidated fund appropriation bill, the judges salaries' bill, the office sale bill, the bankrupt laws amendment bill, the friendly society bill, the Manchester water-works bill, the Strand bridge bill, and the Greenwich and Deptford water-works bill.

An officer presented at the bar an account of the annual revenues of the East India Company. Ordered to lie on the table.

The local militia bill was read a third time, and ordered to the Lords.

Mr. Huskisson moved for the issue of a new writ for the election of a member for the county of Stafford, in the room of Lord G. L. Gower, who had vacated his seat by accepting the office of Secretary at War in the room of Sir J. Pulteney.

Mr. N. Vansittart moved that the debate on the finance resolution be now resumed. Ordered accordingly.

The honourable member then, in a speech of considerable length, entered into a general statement of the finances and debt of the country; but he spoke throughout in so low a tone of voice, as to be almost totally inaudible from the gallery; and he concluded by proposing the first of a series of resolutions, in conformity to his speech.

Mr. Huskisson said, that at the end of the American war, the national debt amounted to nearly 280,000,000*l.* without any sinking fund, and without a revenue to answer in any degree the expenditure. Since that time no loan had been made, but what had a sinking fund provided for its redemption, and that for the last six years of war, no more than 60,050,000*l.* had been added to the aggregate; and this had all been owing to raising so much of the

supplies within the year. Upon the main view of the subject, he agreed with the right honourable gentleman in his resolutions, and had no doubt but our resources, notwithstanding all the difficulties under which we had been placed, were fully adequate to every exertion we could be called upon to make for the honour, defence, and independence of the country.

A long string of financial resolutions were then read from the chair, each of which was separately agreed to.

INDIA COMPANY.

Mr. Creevey adverted to a paper for which he had moved more than once, relative to the affairs of the company, but which he understood was not arrived. The month of March, 1811, he said, would be the period to give notice to the company whether the system was to be continued or not. He hoped government would not hastily commit themselves with regard to the renewal of the charter, and then call on Parliament to make good the agreement they might make, and for which Parliament, for want of information, would be unprepared. From the papers to which he alluded, the House would find that the company was now carrying on a losing trade, and he thought it therefore necessary, without meaning any forejudgment of the company's affairs, to throw out these hints.

Mr. R. Dundas said, that Parliament would have every possible information on the subject as soon as it could be given, and he believed government would have no inclination to do any thing on the subject, but with the approbation of Parliament.

Sir John Anstruther said, the East India Committee had now sat two years, without making any report; but the reason was, the material papers on which they were to found their judgment, had not arrived. He thought, however, the Committee would early in the next session be able to make a report, and in that report it was their intention to notice fully the whole state of the company's finances, their establishment, and their trade; and till that was done, he could not suppose that any such agreement as alluded to by the honourable gentleman, could be entered into by government till that was done.

Mr. P. Moore gave notice that he would early in the next session bring forward a motion on the conduct of the

committee of inspectors of prisons in Ireland, and also respecting a circumstance connected with it, which involved a breach of the privilges of that House, inasmuch as the evidence taken before the Committee had been promulgated before it was made known to that House.

Mr. W. Smith brought up a petition from Mr. Belcher Westrop Atkins, formerly a barrack-master in the Isle of Wight, who was dismissed from his office in consequence of his having given information to the Secretary at War, of many gross and scandalous abuses practised in that department; of which he had offered to adduce the strongest proofs; also complaining of great injury and oppression from the barrack board, in withholding monies due to him, and refusing to pass his accounts. The petition prayed the interference and relief of the House.

Mr. Smith said he understood the business would be brought forward early in the next session. He should only move that the petition do lie on the table. Ordered.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JUNE 21.

The Lord Chancellor stated to their lordships that the lords commissioners appointed by the king, had received two commissions from his majesty, signed by his own hand, one for giving the royal assent to a bill agreed to by both Houses of Parliament, and the other, for proroguing the Parliament. After reading the first of which, the lords commissioners (the Lord Chancellor, the Lord Archbishop of Canterbury, and the Earls of Camden, Dartmouth, and Westmoreland) took their seats on the woolsack. The other members named in the commissions were the Princes of the blood, the Dukes of Bedford and Montrose, the Marquis of Bute, Lords Sidmouth, Spencer, Derby, Holland, Grenville, Carysfort, Winchelsea, Chatham, &c. &c. &c.

The lords commissioners then desired the attendance of the honourable House of Commons in the House of Lords to hear his majesty's gracious communication. On the Speaker's appearance at the bar, accompanied by the officers of the lower House, and about forty members of the House of Commons, the royal assent was given in the

nual way to the bill for preventing the local militia from enrolling, otherwise than in their respective counties or stewartries.

The Lord Chancellor then read to both Houses his majesty's most gracious speech:—

"*My Lords and Gentlemen,*

"We are commanded by his majesty to acquaint you, that his majesty has great satisfaction in being enabled, by the state of public business, to release you from your laborious attendance in Parliament.

"His majesty doubts not, that on your return into your respective counties, you will carry with you a disposition to inculcate, both by instruction and example, a spirit of attachment to those established laws and that happy constitution, which it has ever been his majesty's anxious wish to support and to maintain, and upon which, under Providence, depend the welfare and prosperity of this kingdom.

"*Gentlemen of the House of Commons,*

"We have it in command from his majesty, to thank you for the liberal provision which you have made for the services of the present year; and to express the satisfaction which his majesty derives from your having been enabled to provide for those services without any great and immediate addition to the burthens upon his people.

"His majesty particularly commands us to acknowledge your prompt attention to his wishes, respecting an increased provision for the poorer clergy; an object in the highest degree interesting to his majesty's feelings, and deserving the favourable consideration of Parliament.

"*My Lords and Gentlemen,*

"The atrocious and unparalleled act of violence and treachery by which the Ruler of France attempted to sur-

prize and to enslave the Spanish nation, while it has excited in Spain a determined and unconquerable resistance against the usurpation and tyranny of the French government, has, at the same time, awakened in other nations of Europe a determination to resist, by a new effort, the continued and increasing encroachments on their safety and independence.

"Although the uncertainty of all human events, and the vicissitudes attendant upon war, forbid too confident an expectation of a satisfactory issue to the present struggle against the common enemy of Europe, his majesty commands us to congratulate you upon the splendid and important success which has recently crowned the arms of the Emperor of Austria, under the able and distinguished conduct of his Imperial Highness the Archduke Charles.

"To the efforts of Europe for its own deliverance, his majesty has directed us to assure you, that he is determined to continue his most strenuous assistance and support, convinced that you will agree with him in considering that every exertion for the re-establishment of the independence and security of other nations, is no less conducive to the true interests, than it is becoming the character and honour of Great Britain.

Then a commission for proroguing the Parliament was read; after which the Lord Chancellor said—

"*My Lords and Gentlemen*,

"By virtue of his majesty's commission under the great seal, to us and other lords directed, and now read, we do, in his majesty's name, and in obedience to his commands, prorogue this Parliament to Thursday the 10th day of August, next to be then here holden; and this Parliament is accordingly prorogued to Thursday the 10th day of August next.

HOUSE OF COMMONS.

WEDNESDAY, JUNE 21.

Mr. Speaker took the chair at half past three: and shortly afterwards a message was brought by the deputy black rod, requiring the attendance of the House at the bar of the House of Peers, to hear his majesty's commission read for declaring the royal assent to the local militia bill, and for proroguing the Parliament.

The Speaker, attended by the whole House went up forthwith, and after some time returned; but, without taking the chair, he acquainted the members that the royal assent had been declared to the above bill, and that the Parliament was prorogued until Thursday, the 10th day of August next.

END OF VOL. III.

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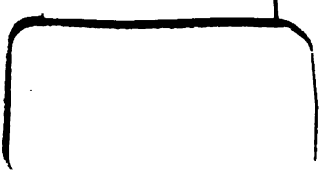
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